The City Council of the City of Raleigh met in regular session on Tuesday, June 4, 1985, at 1:00 p.m., in the City Council Chamber, Room 201 of Raleigh Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Ed Chamblee, retired Baptist Minister, after which the following items were discussed with action taken as shown:

RECOGNITION OF SPECIAL AWARDS

***SCHOOL GROUP - VISITING - RECOGNIZED

Mayor Upchurch recognized Mrs. Denise Spaugh, teacher and her third grade class from E. C. Brooks School. He indicated he has learned in talking with school groups that second and third grade students are very interested in local government and know a lot about it. He welcomed the group to the Council meeting.

***COMMENDATION - OFFICER DEBRA J. HALEY - PRESENTED

Mayor Upchurch read a commendation relating to the heroic deeds of Police Officer Debra J. Haley in forcing open the door of a flamming automobile and saving the life of persons on May 20, 1985. Ms. Haley introduced family members and friends who were present for the presentation.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Calloway requested that the Marketing Study - Transit Program be withdrawn. Mr. Walters requested that the traffic change relating to North Person Street be withdrawn. City Manager Benton requested that the Community Development loan - 806 Postell Street be withdrawn pointing out it will be brought back at a later time. Without objection the items were withdrawn. Ms. Cates moved approval of Administration's recommendation on the remaining items on the Consent Agenda. Her motion was seconded by Mr. Calloway and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PRIVILEGE LICENSES - DETOUR AND HOLIDAY INN NORTH - APPROVED

This is a privilege license application for "Detour," located at 3329 North Boulevard. The owner, David H. Crockett, is the individual making application. City Code Sections 2-2032 (2), (3), (5) and 12-2118 (3) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class two entertainment center. The Police and Inspections reports indicate approval.

Recommendation: That this privilege license application be approved.

This is a privilege license application for "Holiday Inn North," located at 2815 North Boulevard. The manager, Wallace E. West, Sr., is the individual making application. City Code Sections (2), (3), (5) and Section 12-2118(3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. The Police and Inspections reports indicate approval.

Recommendation: That this privilege license application be approved. Consent Agenda approval Cates/Calloway - 8 ayes.

***SUMMER CLEAN-UP PROGRAM - APPROVED - FUNDS APPROPRIATED

In the past, the City of Raleigh has sponsored a Summer Clean-Up Program in the Community Development Conservation and Redevelopment Areas. As in the past, it is proposed to use Summer Youth Employment Program Workers to do the actual work and to pay for the cost of two supervisors out of the Community Development budget. The total cost of the program is $4,471 which includes salaries, fringes, motor vehicle maintenance and operation, and equipment supplies.

Recommendation: That City Council approve the Summer Clean-up Program which will run eight weeks, starting June 17, 1985, and ending August 9, 1985 (encompassing Fiscal Years 84-85 and 85-86), and that the transfer of $1,114 from CD contingency as outlined on the Agenda be upheld. Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 43-2-3080-0100	Contingency	$ 1,114.00
To 43-2-3010-0100	Salaries	923.00
To 43-2-3010-0101	Fringes	66.00
To 43-2-3010-0230	Vehicle M&O	75.00
To 43-2-3010-0260	Supplies	50.00
Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.		
From 37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To 37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00
Purpose: General contract for renovations at Campbell Lodge, Camp Durant.		
From 38-2-2040-0100	Millbrook Pool	52,290.00
To 38-2-2040-0107	Millbrook Pool Electrical	52,290.00
Purpose: Electrical contract for Millbrook Pool.		
From 38-2-2040-0100	Millbrook Pool	5,882.00
To 38-2-2040-0106	Millbrook Pool, HVAC	5,882.00
Purpose: HVAC contract for Millbrook Pool.		
From 38-2-2040-0100	Millbrook Pool	69,500.00
To 38-2-2040-0105	Millbrook Pool Plumbing	69,500.00
Purpose: Plumbing contract for Millbrook Pool.		
From 38-2-2040-0100	Millbrook Pool	535,538.00
From 37-2-1000-0100	Council Reserve	109,872.00
To 38-2-2040-0101	Millbrook Pool, General	645,400.00
Purpose: General Construction contract for Millbrook Pool.		
From 32-2-4497-0100	PW 1985-1 Paving	300,000.00
From 08-2-0000-0001	Council Reserve	110,000.00
From 32-2-5050-0100	Ind. Access Rds.	53,316.84
To 32-2-4497-0101	PW 1985-1-A	455,316.84
To 32-2-4497-0104	PW 1985-A-D	8,500.00
Purpose: Sufficient funds for annual street paving contract PW 1985-1.		
From 32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To 32-2-3011-0101	PW 1984-3	
Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.		
From 08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To 32-2-4495-0101	PW 1983-1	97,567.75
Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.		
From 01-2-1040-0001	Contingency	6,000.00
To 01-2-1010-0211	Advertising	6,000.00
From 32-2-3000-0100	Atlantic Avenue	5,800.00
To 32-2-3000-0102	Atlantic Avenue	5,800.00
Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.		
From 32-2-3000-0100	Atlantic Avenue	25,603.75
To 32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75
Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.		
From 01-2-4100-0233	Maintenance & Operation	14,850.00
To 01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00
Purpose: To repair structural damage at Fire Station 11.		
From 06-2-7050-0258	Chemicals	1,500.00
To 06-2-7050-0705	Weather Recorder	1,500.00
Purpose: To provide funds for purchase of wind speed/direction recorder for Wastewater Treatment Plant.		
From 06-3-3000-0268	Council Reserve	2,071,500.00
From 06-2-7100-0001	Council Reserve	151,564.90
From 06-2-7100-0002	Contingency	93,135.10

To	81-2-2110-0101	Construction	2,241,000.00
To	81-2-2110-0103	Right of Way	75,000.00
To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***CAMP DURANT - BIDS FOR CAMPBELL LODGE - AWARDED TO SCOTIA CONSTRUCTION COMPANY - FUNDS APPROPRIATED

On May 8, and 21, 1985, bids were received for renovations at Campbell Lodge in Camp Durant. Only one bid was received on each date. The bid was submitted by Scotia Construction Company in the amount of $77,800 which includes the base bid plus Alternates 1 and 2 to improve the veranda and paint the underside of the concrete decks that support the second floor of the lodge.

Recommendation: That the bid by Scotia Construction Company be approved in the amount of $77,800 and the appropriate transfer from Renovation - Lodge Durant as outlined on the Agenda be upheld. Consent Agenda approval Cates/Calloway - 8 ayes.

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To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

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Purpose: General Construction contract for Millbrook Pool.

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Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
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Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

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From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

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To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

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To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Wastewater Treatment Plant.

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Purpose: Funds for Crabtree Creek sewer outfall paralleling.

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Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***HOLIDAY SCHEDULE - FY 85-86 - APPROVED

Each year the Council approves the holiday schedule for the City organization. The following schedule is proposed which is the same as in 1984-85.

Holiday	Date Observed	Day
Independence Day	July 4, 1985	Thursday
Labor Day	September 2, 1985	Monday
Veteran's Day	November 11, 1985	Monday
Thanksgiving	November 28, 1985	Thursday
	November 29, 1985	Friday
Christmas	December 24, 1985	Tuesday
	December 25, 1985	Wednesday
New Year's Day	January 1, 1986	Wednesday
Easter Monday	March 31, 1986	Monday
Memorial Day	May 26, 1986	Monday

Recommendation: That the proposed holiday schedule be approved. Consent Agenda approval - Cates/Calloway - 8 ayes.

***PERSONNEL - STANDARD PROCEDURE 300-18 - APPROVED

The Civil Service Act requires Council approval of personnel rules.

The staff recently incorporated a minor modification into the grievance procedure (SP 300-18) to address a component of the City's Handicap Nondiscrimination Policy. Included in the Agenda packet was a copy of the revised procedure with the additional paragraph identified with an asterisk (*) on Page 1, the last paragraph under 1.0. This revision has been reviewed by staff and the Civil Service Commission.

Recommendation: That the revised SP 300-18 be approved. Consent Agenda approval - Cates/Calloway - 8 ayes.

***SANITARY SEWER EASEMENT - CAROLINA CORPORATE CENTER - ACQUISITION AUTHORIZED

The staff has received a request from Carolina Corporate Center to acquire sanitary sewer easements for their tract of land on Glenwood Avenue. The property is inside the City limits and is not served with public sewer. The developer will install the sewer mains at his expense.

Recommendation: That Council approve the request and authorize Administration to acquire the sanitary sewer easements. Consent Agenda approval - Cates/Calloway - 8 ayes.

***TRAFFIC CONTROLS - NEWLY ANNEXED AREAS - ORDINANCE ADOPTED

It has been the City's practice to incorporate traffic controls for annexed areas into the City Code. Those controls will consist of existing 25 and 35 mph school zone speed limits; 35, 45, and 55 mph speed limits on all other streets; stop and yield signs; traffic signals, lane channelization, parking regulations, and extension of local truck routes on existing major thoroughfares. Minor revision of traffic controls will include realigning stop signs to reflect the collector street pattern on Mourning Dove Road and Old Deer Trail; and replacing, where necessary, arbitrary spot 25 mph signs with intersection warning signs. The Transportation Department has inventoried all street conditions within the areas being annexed and other services such as street name signs and street lights will be provided promptly upon annexation. Included in the Agenda packet was a listing of the Traffic Control schedule.

Recommendation: That the traffic controls in the areas being annexed on June 30, be added to the City Code Traffic Schedule. Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 573

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the following amendments to the traffic schedule are hereby approved as a result of annexations to the Raleigh City Limits on June 30, 1985:

Traffic Schedule Additions - June 30, 1985 Annexations

Add to Traffic Schedule No. 1-A: (Traffic Signals)
Falls of the Neuse Road at Strickland Road.

Add to Traffic Schedule No. 2: (Stop Signs)
Blue Herson Way at Mourning Dove Road.
Blue Heron Way at Running Cedar Court.
Clear Brook Drive at Mourning Dove Road.
Clear Brook Drive at Old Deer Trail.
Featherstone Drive at Mourning Dove Road.
Mourning Dove Road at Running Cedar Trail.
Old Deer Trail at Mourning Dove Road.
Running Cedar Court at Old Deer Trail.

Add to Traffic Schedule No. 3: (Yield Signs)
Apple Orchard Court at Mourning Dove Road.
Crown Oaks Drive at Mourning Dove Road.
Heatherfield Drive at Mourning Drove Road.
Heatherfield Drive at Weathergreen Drive.

Add to Traffic Schedule No. 4: (Through Streets)
Strickland Road

Add to Traffic Schedule No. 5-A4: (45 MPH)
Oak Forest Road in its entirety.

Add to Traffic Schedule No. 5-A6: (55 MPH)
North Boulevard from Trust Drive to the Northern Corporate Limits.
Strickland Road from Falls of Neuse Road to the Corporate Limits.

Add to Traffic Schedule No. 5-B2: (35 MPH School Zones)
Strickland Road, from a point 250 feet west of Falls of the Neuse Road to a point 500 feet east of Running Cedar Trail.

Add to Traffic Schedule No. 11: (Local Truck Routes)
Strickland Road in its entirety.

Add to Traffic Schedule No. 13: (No Parking)
Leesville Road, both sides, in its entirety.

Lynn Road, both sides in its entirety.
Ray Road, both sides in its entirety.
Six Forks Road, both sides in its entirety.
Six Forks Road, both sides, from Wake Forest Road to the Northern Corporate Limits.
Strickland Road, both sides, in its entirety
Tryon Road, both sides in its entirety.

Delete from Traffic Schedule No. 13: (No Parking)
Six Forks Road, between Wake Forest Road and the City Limits.
Old Tryon Road, north side, from the east parking lot entrance of Raleigh Golf Association, westward 575 feet.
Old Tryon Road, south side, from the east parking lot entrance of Raleigh Golf Association, westward 500 feet.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extend of such conflict.

Section 3. That this ordinance shall become effective June 30, 1985.

Adopted: 6/4/85

Effective: 6/30/85

***WS 1984-1 - CONTRACT RETAINAGE - REDUCED TO 5%

The City Council approved, on May 21, the selection of Focus Group, Inc., to conduct a market research and planning program for the Capital Area Transit System and authorized Administration to negotiate a contract to be approved by the Council. Included in the Agenda packet is the contract which incorporates the work program approved by the Transit Authority and reflected in the proposal submitted by Focus Group. The maximum fee for the work is $15,500. The City Council had authorized a fee of up to $16,000.

Recommendation: That the City Council authorize the Mayor to execute the study contract with Focus Group, Inc. Consent Agenda approval - Cates/Calloway - 8 ayes.

***OPTIMIST PARK - SWIM MEET - APPROVED

On Wednesday, May 22, the Parks and Recreation Advisory Board approved the request for Ridge Road Pool to be used by the Tarheel Swim Association for their swim meet on Saturday, July 20, 1985.

Recommendation: That the action of the Parks and Recreation Advisory Board be upheld. Consent Agenda approval - Cates/Calloway - 8 ayes.

***SKATEBOARD PARK - CITY NOT TO INSTALL

At their meeting on May 22, 1985, the Parks and Recreation Board reviewed and made a decision on skateboard ramps in City parks, based on the following:

> "Because of the lack of specific design criteria or construction standards, the cost of the routine regular inspection and maintenance, the need to provide secured space, and in all likelihood the need for appointment of staff to provide for safe operation, and the liability associated with the activity, it was the recommendation of the Board that we not install skateboard ramps in City parks."

Recommendation: That the action of the Parks and Recreation Advisory Board be upheld. Consent Agenda approval - Cates/Calloway - 8 ayes.

***METHOD PARK - ERECTION OF STATUE - APPROVED CONDITIONALLY

The City Council asked the Administration for a report on the request from the Berry O'Kelly Alumni Association to erect a monument in Berry O'Kelly's honor in Method Park. The Association's request is to place a monument about twelve feet tall on a five feet by five feet base in an area around the Center. The monument and the installation of the monument would be paid for by the Association. In view of the important role that Berry O'Kelly had in the Method Community and the fact that the Center has been named for him, the erection of such a monument seems to be entirely appropriate for that site.

Recommendation: That the City Council approve this project subject to review and approval of the design and location of this monument by the Parks and Recreation Advisory Board. Consent Agenda approval - Cates/Calloway - 8 ayes.

***YOUNG VOLUNTEERS IN ACTION - GRANT REQUEST - AUTHORIZED FOR SUBMISSION

The City currently has a grant project for YVA program. It is desirable to continue this program. The City's costs are covered by in-kind services and materials. It is necessary to submit a grant request for the next year.

Recommendation: That the grant request for funding of the Young Volunteers in Action program be approved. Consent Agenda approval - Cates/Calloway - 8 ayes.

***MILLBROOK POOL - BID AWARDED TO SECURITY BUILDING COMPANY, THOMPSON PLUMBING, MECHANICAL ASSOCIATES AND MODERN ELECTRIC - FUNDS APPROPRIATE

Bids have been received for the Millbrook Pool. The low bids are:

General -	Security Building Company	$645,400.00
Plumbing -	Thompson Plumbing	69,500.00
HVAC -	Mechanical Associates	5,882.00
Electrical -	Modern Electrical	52,290.00
		$773,072.00

A copy of the bid tabulations was included in the Agenda packet. The above noted bids do not include the diving well which was handled as an alternate.

Recommendation: That the low bids be approved and a transfer in the amount of $773,072 from Millbrook Pool and cancel reserve/parks be authorized as outlined in the Agenda. Consent Agenda approval - Cates/Calloway - 8 ayes.

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To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	535,538.00
From	37-2-1000-0100	Council Reserve	109,872.00
To	38-2-2040-0101	Millbrook Pool, General	645,400.00

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To	32-2-4497-0104	PW 1985-A-D	8,500.00

Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To	32-2-3011-0101	PW 1984-3	

Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

From	08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To	32-2-4495-0101	PW 1983-1	97,567.75

Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.

From	01-2-1040-0001	Contingency	6,000.00
To	01-2-1010-0211	Advertising	6,000.00
From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

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To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

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To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Wastewater Treatment Plant.

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To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***STREET PAVING PROGRAM - 1985 - BID AWARDED TO W. E. GARRISON GRADING COMPANY - FUNDS APPROPRIATED

On April 30, 1985, bids were received for the annual street improvement program. The following bids were received:

W. E. Garrison Grading Company	$455,316.84
C. C. Mangum, Inc.	462,612.45
Shackelford Paving Co., Inc.	473,472.50

This is work to be performed on streets which have been petitioned by property owners for improvement.

Recommendation: That the low bid by W. E. Garrison Grading Company, in the amount of $455,316.84, be approved and that the transfer of funds as outlined in the Agenda (source of funds PW 1985-1, Council reserve, industrial access roads) be upheld. Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	43-2-3080-0100	Contingency	$ 1,114.00
To	43-2-3010-0100	Salaries	923.00
To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	535,538.00
From	37-2-1000-0100	Council Reserve	109,872.00
To	38-2-2040-0101	Millbrook Pool, General	645,400.00

Purpose: General Construction contract for Millbrook Pool.

From	32-2-4497-0100	PW 1985-1 Paving	300,000.00
From	08-2-0000-0001	Council Reserve	110,000.00
From	32-2-5050-0100	Ind. Access Rds.	53,316.84
To	32-2-4497-0101	PW 1985-1-A	455,316.84
To	32-2-4497-0104	PW 1985-A-D	8,500.00

Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To	32-2-3011-0101	PW 1984-3	

Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

From	08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To	32-2-4495-0101	PW 1983-1	97,567.75

Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.

From	01-2-1040-0001	Contingency	6,000.00
To	01-2-1010-0211	Advertising	6,000.00

From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

From	01-2-4100-0233	Maintenance & Operation	14,850.00
To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

From	06-2-7050-0258	Chemicals	1,500.00
To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Waste-water Treatment Plant.

From	06-3-3000-0268	Council Reserve	2,071,500.00
From	06-2-7100-0001	Council Reserve	151,564.90
From	06-2-7100-0002	Contingency	93,135.10
To	81-2-2110-0101	Construction	2,241,000.00
To	81-2-2110-0103	Right of Way	75,000.00
To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

During the May 21, 1985, Council meeting the following applications for taxicab owner's permit were approved on a first reading:

James E. Maxwell, Hollywood Limousine Company (New Individual Owner's Permit)

Leonard N. Avery, Ebony Cab Company (New Individual Owner's Permit)

Recommendation: That the applications be approved on a second and final reading. Consent Agenda approval Cates/Calloway - 8 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING - TO PLACED ON JUNE 18 AGENDA

The following applications have been received to operate a taxi. They have been checked and meet requirements of Section 12-2053 of the City Code:

Frederick Rogers Sutton, Ebony Cab Company (New Individual Owner's Permit)

James Henry Wilkerson, Ebony Cab Company (New Individual Owner's Permit)

Recommendation: Approval is recommended with the understanding that the applications will be placed on the June 18, 1985, Agenda for second and final consideration. Consent Agenda approval Cates/Calloway - 8 ayes.

***LIMOUSINE SERVICE FRANCHISE - THORNTON'S LIMOUSINE SERVICE - APPROVED ON FIRST READING; TO BE PLACED ON JUNE 18 AGENDA

An application has been received from Edward Junious Thornton, Thornton's Limousine Service (New Franchise). The application has been checked and meets the requirements of the City Code.

Recommendation: Approval is recommended with the understanding that the application would be placed on the Agenda for the June 18, 1985 Council Meeting for second and final consideration. Council Members received additional information in their Agenda packet. Consent Agenda approval - Cates/Calloway - 8 ayes.

***BUDGET AMENDMENTS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Parks and Recreation Department in the amount of $100.00 to place into expenditure account funds donated by Longview Garden Community Club. A budget amendment in the amount of $40,000 relating to the Public Utilities Department to appropriate reserve water capital funds for removal of asbestos in water plants was presented. Another budget amendment in the Public Utilities Department in the amount of $350,000 to appropriate reserve water capital funds for installation of water main in Lake Wheeler Road was presented.

Recommendation: That the three budget amendments as outlined be authorized. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 574

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget Ordinance be amended as follows to cover additional expenses for engineering construction supervision caused by project complexity and extended construction time:

Revenue:	40-1-0040-0130	Interest Income	$6,000.00
Expense:	40-2-1520-0100	Cabarrus St. Study	$6,000.00

Section 2. That the 84/85 Budget Ordinance be amended as follows to place into expenditure account funds donated by Longview Gardens Community Club (Receipt No. 394842):

Revenue:	37-1-0070-0200	Misc. Income	$ 100.00
Expense:	37-2-3000-0169	Beaut. Longview Comm.	$ 100.00

Section 3. That the 84/85 Budget Ordinance be amended as follows to appropriate reserve water capital funds for removal of asbestos in water plants:

Revenue:	80-1-0090-0222	Reserve-Existing Projects	$40,000.00
Expense:	80-2-1020-0101	Asb. Removal-Eng.	$ 5,000.00
	80-2-1020-0102	Asb. Removal-Const.	$35,000.00

Section 4. That the 84/85 Budget be amended as follows to appropriate reserve water capital funds for installation of water main in Lake Wheeler Road:

Revenue:	80-1-0090-0222	Reserve-Existing Projects	$350,000.00
Expense:	80-2-1460-0102	Lake Wheeler Road	$350,000.00

Adopted: 6/4/85

***PRIVILEGE LICENSE - REFUND - AUTHORIZED

Mr. Rick Joyce, controller for "Brady Trane Service, Inc.," located at 1647 Old Louisburg Road, has given written request for a refund of $75 for the 1984-1985 license year. The reason for this request is an overpayment of that year's taxes. Administration has verified this request.

Recommendation: That the request for refund be approved. Consent Agenda approval Cates/Calloway - 8 ayes.

***CIVIC CENTER PLAZA - UTILITY RELOCATION - FUNDS APPROPRIATED

The Agenda presented a capital fund item in the amount of $6,000 to cover additional expenses for engineering construction supervision caused by project complexity and an extended construction time relating to the Civic Center Plaza utility relocation.

Recommendation: Administration recommends approval of the appropriation as outlined. Consent Agenda approval - Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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From	43-2-3080-0100	Contingency	$ 1,114.00
To	43-2-3010-0100	Salaries	923.00
To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	535,538.00
From	37-2-1000-0100	Council Reserve	109,872.00
To	38-2-2040-0101	Millbrook Pool, General	645,400.00

Purpose: General Construction contract for Millbrook Pool.

From	32-2-4497-0100	PW 1985-1 Paving	300,000.00
From	08-2-0000-0001	Council Reserve	110,000.00
From	32-2-5050-0100	Ind. Access Rds.	53,316.84
To	32-2-4497-0101	PW 1985-1-A	455,316.84
To	32-2-4497-0104	PW 1985-A-D	8,500.00

Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To	32-2-3011-0101	PW 1984-3	

Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

From	08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To	32-2-4495-0101	PW 1983-1	97,567.75

Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.

From	01-2-1040-0001	Contingency	6,000.00
To	01-2-1010-0211	Advertising	6,000.00

From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

From	01-2-4100-0233	Maintenance & Operation	14,850.00
To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

From	06-2-7050-0258	Chemicals	1,500.00
To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Wastewater Treatment Plant.

From	06-3-3000-0268	Council Reserve	2,071,500.00
From	06-2-7100-0001	Council Reserve	151,564.90
From	06-2-7100-0002	Contingency	93,135.10
To	81-2-2110-0101	Construction	2,241,000.00
To	81-2-2110-0103	Right of Way	75,000.00
To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***ATLANTIC AVENUE - CHANGE ORDER 1 - APPROVED - FUNDS APPROPRIATED

The Agenda presented change order 1 - C. C. Mangum, Inc., which is a change order for addition of $32,590 needed for the resurfacing of existing Winton Road. The budget accounts that need to be amended if the change order is approved were also outlined on the Agenda.

Recommendation: That change order number 1 be approved and the transfer as outlined by upheld. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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To	43-2-3010-0100	Salaries	923.00
To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	535,538.00
From	37-2-1000-0100	Council Reserve	109,872.00
To	38-2-2040-0101	Millbrook Pool, General	645,400.00

Purpose: General Construction contract for Millbrook Pool.

From	32-2-4497-0100	PW 1985-1 Paving	300,000.00
From	08-2-0000-0001	Council Reserve	110,000.00
From	32-2-5050-0100	Ind. Access Rds.	53,316.84
To	32-2-4497-0101	PW 1985-1-A	455,316.84
To	32-2-4497-0104	PW 1985-A-D	8,500.00

Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To	32-2-3011-0101	PW 1984-3	

Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

From	08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To	32-2-4495-0101	PW 1983-1	97,567.75

Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.

From	01-2-1040-0001	Contingency	6,000.00
To	01-2-1010-0211	Advertising	6,000.00

From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

From	01-2-4100-0233	Maintenance & Operation	14,850.00
To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

From	06-2-7050-0258	Chemicals	1,500.00
To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Wastewater Treatment Plant.

From	06-3-3000-0268	Council Reserve	2,071,500.00
From	06-2-7100-0001	Council Reserve	151,564.90
From	06-2-7100-0002	Contingency	93,135.10
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To	81-2-2110-0103	Right of Way	75,000.00
To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
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Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***STREET CONSTRUCTION PROJECT - CHANGE ORDER #3 - FUNDS APPROPRIATED

Change order #3 - C. C. Mangum, Inc., relating to the annual street construction program was presented. The change order is for an additional $97,567.75 and is needed to cover Millbrook Road widening.

Recommendation: Administration recommends approval of the change order and authorization of the transfer as outlined on the Agenda. Consent Agenda approval Cates /Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

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and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

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To 43-2-3010-0101	Fringes	66.00
To 43-2-3010-0230	Vehicle M&O	75.00
To 43-2-3010-0260	Supplies	50.00
Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.		
From 37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To 37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00
Purpose: General contract for renovations at Campbell Lodge, Camp Durant.		
From 38-2-2040-0100	Millbrook Pool	52,290.00
To 38-2-2040-0107	Millbrook Pool Electrical	52,290.00
Purpose: Electrical contract for Millbrook Pool.		
From 38-2-2040-0100	Millbrook Pool	5,882.00
To 38-2-2040-0106	Millbrook Pool, HVAC	5,882.00
Purpose: HVAC contract for Millbrook Pool.		
From 38-2-2040-0100	Millbrook Pool	69,500.00
To 38-2-2040-0105	Millbrook Pool Plumbing	69,500.00
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From 38-2-2040-0100	Millbrook Pool	535,538.00
From 37-2-1000-0100	Council Reserve	109,872.00
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Purpose: General Construction contract for Millbrook Pool.		
From 32-2-4497-0100	PW 1985-1 Paving	300,000.00
From 08-2-0000-0001	Council Reserve	110,000.00
From 32-2-5050-0100	Ind. Access Rds.	53,316.84
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To 32-2-4497-0104	PW 1985-A-D	8,500.00
Purpose: Sufficient funds for annual street paving contract PW 1985-1.		
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Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.		
From 08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To 32-2-4495-0101	PW 1983-1	97,567.75
Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.		
From 01-2-1040-0001	Contingency	6,000.00
To 01-2-1010-0211	Advertising	6,000.00
From 32-2-3000-0100	Atlantic Avenue	5,800.00
To 32-2-3000-0102	Atlantic Avenue	5,800.00
Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.		
From 32-2-3000-0100	Atlantic Avenue	25,603.75
To 32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75
Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.		
From 01-2-4100-0233	Maintenance & Operation	14,850.00
To 01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00
Purpose: To repair structural damage at Fire Station 11.		
From 06-2-7050-0258	Chemicals	1,500.00
To 06-2-7050-0705	Weather Recorder	1,500.00
Purpose: To provide funds for purchase of wind speed/direction recorder for Waste-water Treatment Plant.		
From 06-3-3000-0268	Council Reserve	2,071,500.00
From 06-2-7100-0001	Council Reserve	151,564.90
From 06-2-7100-0002	Contingency	93,135.10
To 81-2-2110-0101	Construction	2,241,000.00
To 81-2-2110-0103	Right of Way	75,000.00
To 81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION UPHELD

Council Members received in their Agenda packet a list of administrative transfers that had been approved by the City Manager according to Council procedure. The transfers were as follows:

From	01-2-4040-0620	Automobile	$600.00
To	01-2-4040-0730	Misc. Equipment	600.00
From	19-2-8180-0534	Program Reserve	300.00
From	19-2-8180-0260	Office & Other Supplies	200.00
From	19-2-8180-0269	Athletic Supplies	200.00
To	19-2-8180-0700	Equipment	700.00
From	01-2-6010-0275	Use School Facilities	800.00
To	01-2-6000-0236	Equipment Rental	800.00
From	01-2-1170-0704	Time Clocks	186.00
To	01-2-1170-0236	Equipment Rental	186.00
From	01-2-5020-0704	Auto/Air	328.00
To	01-2-5020-0717	Misc. Capital Items	328.00
From	18-2-1000-0001	Amusement Reserve	800.00
To	18-2-0800-0219	Light & Power	800.00
From	01-2-5020-0617	Leaf Machine	189.85
To	01-2-5020-0717	Misc. Capital Items	189.85
From	01-2-1230-0280	Sign Post	175.00
To	01-2-1230-0225	Repairs to Bldg. & Street	175.00
From	32-2-1000-0100	Council Reserve	487.50
To	32-2-5045-0103	Spring Forest-Lynn Connector	487.50
From	44-2-2000-0265	Other Services	54.00
To	44-2-2000-0238	Elevator Maint.	54.00
From	19-2-8020-0534	Prog Reserve	800.00
To	19-2-8020-0101	Salaries Contractual	800.00
From	01-2-5010-0720	Auto/Radio	495.23
To	01-2-5010-0700	Computer Hwd.	495.23
From	01-2-5060-0225	Rep to Bldg. & Stru	125.00
To	02-1-5060-0229	Repairs to Equipment	125.00
From	01-2-1200-0231	Travel	135.00
To	01-2-1200-0237	Auto Allowance	135.00
From	43-2-3090-0229	Advertisement	200.00
To	43-2-3090-0260	Office & Other	200.00
From	01-2-1200-0605	Eng. Level	528.75
From	01-2-1200-0704	Equipment	154.40
From	01-2-1200-0231	Travel	241.85
To	01-2-1200-0705	Furniture	925.00

Recommendation: That the Manager's action be upheld. Consent Agenda approval Cates/Calloway - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the division of City Clerk, Engineering, Fire, Public Utilities, Finance, Police, and Civic Center. The Agenda outlined the need for the transfers outlining affected accounts.

Recommendation: Approval of the transfers as outlined. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 575 TF 24

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted Jun 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	43-2-3080-0100	Contingency	$ 1,114.00
To	43-2-3010-0100	Salaries	923.00
To	43-2-3010-0101	Fringes	66.00
To	43-2-3010-0230	Vehicle M&O	75.00
To	43-2-3010-0260	Supplies	50.00

Purpose: To provide funds for the Summer Clean-Up Program during FY 84-85.

From	37-2-1126-0000	Renov. Lodges, Camp Durant	77,800.00
To	37-2-1126-0101	Renov. Campbell Lodge, C. Durant	77,800.00

Purpose: General contract for renovations at Campbell Lodge, Camp Durant.

From	38-2-2040-0100	Millbrook Pool	52,290.00
To	38-2-2040-0107	Millbrook Pool Electrical	52,290.00

Purpose: Electrical contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	5,882.00
To	38-2-2040-0106	Millbrook Pool, HVAC	5,882.00

Purpose: HVAC contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	69,500.00
To	38-2-2040-0105	Millbrook Pool Plumbing	69,500.00

Purpose: Plumbing contract for Millbrook Pool.

From	38-2-2040-0100	Millbrook Pool	535,538.00
From	37-2-1000-0100	Council Reserve	109,872.00
To	38-2-2040-0101	Millbrook Pool, General	645,400.00

Purpose: General Construction contract for Millbrook Pool.

From	32-2-4497-0100	PW 1985-1 Paving	300,000.00
From	08-2-0000-0001	Council Reserve	110,000.00
From	32-2-5050-0100	Ind. Access Rds.	53,316.84
To	32-2-4497-0101	PW 1985-1-A	455,316.84
To	32-2-4497-0104	PW 1985-A-D	8,500.00

Purpose: Sufficient funds for annual street paving contract PW 1985-1.

From	32-2-3011-0140	Winton Rd. Resurfacing	32,590.00
To	32-2-3011-0101	PW 1984-3	

Purpose: Change Order - Atlantic Avenue Section II, PW 1984-3, C. C. Mangum, Inc.

From	08-2-0000-0001	Powell Bill Council Reserve	97,567.75
To	32-2-4495-0101	PW 1983-1	97,567.75

Purpose: Change Order - PW 1983-1, C. C. Mangum, Inc.

From	01-2-1040-0001	Contingency	6,000.00
To	01-2-1010-0211	Advertising	6,000.00

From	32-2-3000-0100	Atlantic Avenue	5,800.00
To	32-2-3000-0102	Atlantic Avenue	5,800.00

Purpose: Additional fee for design work to D.S. & A. for widening of proposed Atlantic Avenue at Whitaker Mill Road.

From	32-2-3000-0100	Atlantic Avenue	25,603.75
To	32-2-3000-0204	Atlantic Avenue - CP&L	25,603.75

Purpose: To pay CP&L for relocation of Major transmission lines at Atlantic Avenue - Downtown Blvd. bridge.

From	01-2-4100-0233	Maintenance & Operation	14,850.00
To	01-2-4130-0225	Repairs - Bldg. & Struc.	14,850.00

Purpose: To repair structural damage at Fire Station 11.

From	06-2-7050-0258	Chemicals	1,500.00
To	06-2-7050-0705	Weather Recorder	1,500.00

Purpose: To provide funds for purchase of wind speed/direction recorder for Waste-water Treatment Plant.

From	06-3-3000-0268	Council Reserve	2,071,500.00
From	06-2-7100-0001	Council Reserve	151,564.90
From	06-2-7100-0002	Contingency	93,135.10
To	81-2-2110-0101	Construction	2,241,000.00
To	81-2-2110-0103	Right of Way	75,000.00
To	81-2-2110-0104	Misc.	200.00

Purpose: Funds for Crabtree Creek sewer outfall paralleling.

From	01-2-1040-0001	Contingency	10,000.00
From	06-207100-0002	Utility Contingency	12,000.00
To	01-2-1040-0220	Postage	10,000.00
To	01-2-3030-0220	Postage	12,000.00

Purpose: Provide funds for remainder of FY.

From	01-2-1040-0001	Contingency	8,000.00
To	01-204020-0242	Animal Board	8,000.00

Purpose: Funds to finish out SPCA contract for this FY.

From	40-2-1300-0124	Art Work	5,600.00
To	01-2-1080-0701	Computer Equipment	5,600.00

Purpose: Purchase of two personal computers and related equipment.

***BID REQUEST 84-68 - RUBBER TIRED BACKHOE/LOADER TRACTOR - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids received and publicly opened in the office of the Purchasing Agent on May 23, 1985 for a rubber tired backhoe/loader tractor left trade with results as follows: North Carolina Equipment Company - $29,484; R. W. Moore Equipment Company - $34,377; Case Power and Equipment - $39,900; Senter Sanders Tractor, Inc., - $45,125.

Recommendation: Administration recommends the low bid submitted by North Carolina Equipment Company. Consent Agenda approval Cates/Calloway - 8 ayes.

***BID REQUEST 85-6 - POLYMER FOR SLUDGE THICKENING - BID AWARDED TO CHEMLINK, INC.

Pursuant to advertising as required by law bids were received and publicly opened in the office of the Purchasing Agent on May 23, 1985 for an annual price agreement - July 1, 1985 through June 30, 1986 for Polymer for sludge thickening. The results of the bids were as follows: Chemlink, Inc. - $48,914.25; Stockhausen, Inc., - $63,684.40; Allied Colloids, Inc., - $70,743.75; Hychem, Inc., - $75,066.50; Nalco Chemical - $82,174.40; Betz Laboratories - $96,211.50; American Cyanamid Company - $108,967.50.

Recommendation: Administration recommends the low bid submitted by Chemlink, Inc. Consent Agenda approval Cates/Calloway - 8 ayes.

***BID REQUEST 85-7 - POLYMER FOR SECONDARY SETTLING AID - BID AWARDED TO STOCKHAUSEN, INC.

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on May 23, 1985 for an annual price agreement for period July 1, 1985 through June 30, 1986 for Polymer for secondary settling aid with results as follows: Stockhausen Inc., - $52,311.90; Hychem, Inc., - $54,947.50; Chemlink, Inc., - $60,040.20; Nalco Chemical Inc., - $61,668.50; Allied Chemical Inc., - $74,852.80; American Cyanamid Company - $104,202.00; Betz Laboratories Inc., - $118,095.60.

Recommendation: Administration recommends the low bid submitted by Stockhausen Inc. Consent Agenda approval Cates/Calloway - 8 ayes.

***BID REQUEST 85-8 - POTASSIUM PERMANGANATE - BID AWARDED TO AMERICAN INTERNATIONAL CHEMICAL

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on May 23, 1985, for approximately 200,000 pounds of potassium permanganate with results as follows: American International Chemical - $202,880.00; Carus Chemical Company - $206,000; Jones Chemical - $219,400; Southern Inc., - $235,280.

Recommendation: Administration recommends the low bid submitted by American International Chemical. Consent Agenda approval Cates/Calloway - 8 ayes.

***BID REQUEST 85-9 - CORROSION INHIBITOR - BID AWARDED TO TECHNICAL PRODUCTS CORPORATION

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on May 23, 1985, for annual price agreement for period July 1, 1985 through June 30, 1986 for Corrosion Inhibitor with results as follows:

Technical Products Corporation - $59,770.81.

Recommendation: Administration recommends the bid submitted by Technical Products Corporation. Consent Agenda approval Cates/Calloway - 8 ayes.

***TRAFFIC - TIME LIMIT PARKING HARRINGTON AND DAVIE STREETS - APPROVED

The Agenda presented a recommended change in the time limit parking relating to Harrington and Davie Streets. The Agenda outline the reason for the recommended change and Administration recommends approval. Consent Agenda approval Cates /Calloway - 8 ayes.

ORDINANCE NO. (1985) 576

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Princeton Street, north side, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Amend said Section further by deleting the following:

Princeton Street, both sides, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Section 2. That Traffic Schedule No. 15B entitled "30 MINUTE PARKING be amended by adding the following:

Davie Street, north side, from Harrington Street westward 60 feet Harrington Street, west side, from Davie Street, northward 122 feet

Section 3. That Traffic Schedule No. 15D entitled "2 HOUR PARKING" be amended by adding the following:

Person Street, east side, between Jones and Lane Streets

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective June 11, 1985.

Adopted: 6/4/85

Effective: 6/11/85

END OF CONSENT AGENDA

***TRANSIT PROGRAM - MARKETING STUDY - MAYOR AUTHORIZE TO EXECUTE CONTACT WITH FOCUS GROUP, INC.

The City Council approved, on May 21, the selection of Focus Group, Inc., to conduct a market research and planning program for the Capital Area Transit System and authorized Administration to negotiate a contract to be approved by the Council. Included in the Agenda packet was the contract which incorporates the work program approved by the Transit Authority and reflected in the proposal submitted by Focus Group. The maximum fee for the work is $15,500. The City Council had authorized a fee of up to $16,000.

Recommendation: That the City Council authorize the Mayor to execute the study contract with Focus Group, Inc.

Mr. Calloway indicated he pulled this item from the Consent Agenda pointing out in reading the non-discrimination agreement, it does not specify "sex". City Attorney McCormick indicated he did not think it included "age or sex". City Manager Benton indicated he had not read it word for word. It is our standard non-discrimination agreement. After brief discussion, Mr. Calloway moved that the non-discrimination agreement be on this contract be expanded to include "sex and age". His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mr. Calloway moved Administration's recommendation for the Mayor to execute this contract with Focus Group, Inc., to be approved. His motion was seconded by Ms. Cates and a role call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC - 200 BLOCK OF NORTH PERSON STREET - TIME LIMIT PARKING CHANGE - ADMINISTRATION TO CHECK PROVISIONS FOR HANDICAPPED

The Department of Transportation recommends that two-hour parking be established on Person Street, east side, between Jones Street and Lane Street. This recommendation is the result of a petition from area businesses who have cited a lack of available customer parking in this area. This action will result in the loss of approximately eight on-street all day spaces.

Mr. Walters indicated he pulled this item from the Consent Agenda indicating this is located behind the Governor's Mansion. He indicated in that block there is one space for handicapped and pointed out this is next door to Mansion Square and that is where some handicapped people work and live. He indicated we need the handicapped parking that is presently there. Department of Transportation Director Blackburn indicated he was not aware of a handicapped parking zone with Mr. Walters pointing out if there is not a handicapped zone, there should be. Department of Transportation Director Blackburn indicated under State law, handicapped people can disregard the time limit as it relates to timed parking spaces. Mr. Walters pointed out the problem he has is if a van with handicapped people comes up there needs to be a space that they can pull in to load and unload. After brief discussion, Mr. Walters moved approval of Administration's recommendation as outlined with the understanding that the City Manager would check to make sure there are provisions for handling the handicapped. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 576

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Princeton Street, north side, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Amend said Section further by deleting the following:

Princeton Street, both sides, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Section 2. That Traffic Schedule No. 15B entitled "30 MINUTE PARKING be amended by adding the following:

Davie Street, north side, from Harrington Street westward 60 feet Harrington Street, west side, from Davie Street, northward 122 feet

Section 3. That Traffic Schedule No. 15D entitled "2 HOUR PARKING" be amended by adding the following:

Person Street, east side, between Jones and Lane Streets

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective June 11, 1985.

Adopted: 6/4/85

Effective: 6/11/85

SPECIAL ITEMS

***ABANDONED VEHICLE - 122½ EAST WHITAKER MILL ROAD - APPEALED DENIED - ORDINANCE ADOPTED

During the May 7, 1985 Council Meeting, Mrs. Beecher R. Znkayn was at the meeting to appeal the Inspections Department's orders relative to an alleged abandoned vehicle at 122½ East Whitaker Mill Road. It was agreed to place this item on this Agenda for further consideration. A copy of the minutes of the May 7, 1985 Council Meeting relating to this item was included in the Agenda packet.

City Manager Benton explained the Inspections Division checked this afternoon and the vehicle is still at 122½ East Whitaker Mill Road in the same condition as it was at the May 7 meeting. He indicated that Administration recommends that the vehicle be removed by orders of the City in accordance with the Abandoned Vehicle Rules and Regulations. He pointed out this is what Administration had recommended and the owner of the vehicle had appealed those orders. Mr. Walters moved denial of the appeal therefore making the vehicle at 122½ East Whitaker Mill Road an abandoned vehicle. His motion was seconded by Ms. Cates and a role call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-581

AN ORDINANCE TO DECLARE A VEHICLE AT 122½ EAST WHITAKER MILL ROAD AN ABANDONED VEHICLE.

WHEREAS, the Inspections Department of the City of Raleigh has inspected a vehicle at 122½ East Whitaker Mill Road, more particularly described as a 1950 Dodge Bus, City of Raleigh I.D. 07333; and

WHEREAS, said Inspections Department has found the vehicle to be identified as an abandoned vehicle under Section 12-7002 of the City Code; and

WHEREAS, the owner of said property has appealed the finding of the Inspections Department to the City Council under the provisions of Section 12-7005 of the City Code; and

WHEREAS, the City Council, after hearing all interested persons and reviewing the findings of the Inspection Department has determined that the findings of the Inspections Department are correct.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the vehicle located at 122½ East Whitaker Mill Road more specifically the 1950 Dodge Bus is hereby declared to be an abandoned vehicle by virtue of the conditions described above.

Section 2. That the Inspections Department of the City of Raleigh is hereby directed to cause the 1950 Dodge Bus located at 122½ East Whitaker Mill Road to be removed from that property.

Section 3. That this ordinance shall be effective June 4, 1985.

Adopted: June 4, 1985

Effective: June 4, 1985

***SC-244 - SOUTHGATE PLAZA SIGN CRITERIA - DEFERRED UNTIL JUNE 18 MEETING

This was a request for approval of a sign criteria for a previously approved shopping center. The site is zoned Shopping Center and is undeveloped. The property is located at the corner of Cross Link Road and Rock Quarry Road inside the City Limits. CR-5154 from the Planning Commission recommended that this request be approved according to a document entitled, "Southgate Plaza Shopping Center, Rock Quarry and Cross Link Roads, Raleigh, North Carolina," written by Envirotek, Incorporated, dated May 9, 1985. During the May 21, 1985 Council Meeting, at the request of City Administration, this item was removed from the Agenda with no action taken with the understanding it would be placed on this Agenda as a special item.

Mayor Upchurch indicated he would request that this item be carried over to the next Agenda as he received a request from the owners asking for additional time to work with the tenants relative to various signs. Without objection, it was agreed that this time would be placed on the June 18 Agenda.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He explained items on the Planning Commission Consent Agenda are identified if they are located within the Falls Basin or flood-prone areas. Council Members pulled items from the Planning Commission Consent Agenda as follows: Keller - CR-5599 (Z-71-85); Congleton - CR-5577 (SC-25-85); Cates - CR-5585 (TC-8-85); Block - CR-5594 (Z-62-85) and CR-5596 (Z-63-85). Ms. Babb asked to be excused from participation in the vote on CR-5585 (TC-8-85) and CR-5590 (Z-54-85) as her husband is involved in these projects. Without objection, the items were removed from the Consent Agenda as requested and Ms. Babb was excused from participation and noting on the two items as requested. Mr. Calloway moved the Planning Commission's recommendations on the remaining item on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PA-71-85 - NAVAHO DRIVE PARKING LOT - APPROVED

This was a request for approval to develop as a parking lot with 125 spaces a 1.57 acre parcel, zoned Office and Institution-I. The property is located on the north side of Navaho Drive, west of the intersection with Old Wake Forest Road, inside the City Limits.

CR-5571 from the Planning Commission recommended that this request be approved according to a map entitled, "Navaho Drive Parking Lot," the property of E. F. H. Grove Tower Associates, drawn by Boney and Associates, Incorporated, dated April 30, 1985, revised May 15, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***PA-72-85 - OCCIDENTAL LIFE - APPROVED WITH CONDITIONS

This was a request for approval to locate a 1,440 square foot modular unit, to be used as temporary office space, on a 0.75 acre site, zoned Office and Institution-I. The site is currently developed with a 10,500 square foot office building. The property is located on the south side of Wade Avenue and east of Oberlin Road, inside the City Limits.

CR-5572 from the Planning Commission recommended that this request be approved according to a map entitled, "Occidental Life," the property of Occidental Life

Insurance Company, drawn by Clearscapes Architecture, dated May 1, 1985, with the following conditions: (1) That a temporary 90-day permit be issued for the modular unit, and (2) that cross-parking and access agreements be reviewed and approved by the City Attorney's Office prior to issuance of the temporary 90-day permit. Consent Agenda approval Calloway/Babb - 8 ayes.

***PA-73-85 - RALPH MORRIS PROPERTY - APPROVED

This was a request for approval to construct a 120 square foot addition to an existing building and a 128 square foot storage building on a 1.8 acre parcel, zoned Neighborhood Business. The property is located on the south side of Hillsborough Road, between Bashford and Nowell Street, outside the City Limits.

CR-5573 from the Planning Commission recommended that this request be approved according to a map entitled, "Ralph Morris Property," the property of Ralph W. Morris, drawn by Ralph W. Morris, dated May 1, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***PA-75-85 - LOGGER COURT PARKING LOT - APPROVED

This was a request for approval to construct a 19 space parking lot on a 0.57 acre lot which is currently undeveloped and zoned Office and Institution-I. The property is located at the intersection of Logger Court and Falls of Neuse Road at the southwest corner, inside the City Limits.

CR-5574 from the Planning Commission recommended that this request be approved according to a map entitled, "Logger Court Parking Lot," the property of Michael L. Hall, submitted by Attorney Stephen C. Rhudy, dated May 5, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***PA-77-85 - BB&T PROTOTYPE OFFICE - APPROVED WITH CONDITION

This was a request for approval to construct a bank with drive-in facilities on a 1.07 acre site, zoned Office and Institution-I. The property is located at the southeast corner of the intersection of Creedmoor Road (NC 50) and Strickland Road, outside the City Limits.

CR-5575 from the Planning Commission recommended that this request be approved according to a map entitled, "BB&T Prototype Office, Creedmoor Road, Raleigh, NC," the property of Branch Banking & Trust Company, submitted by Envirotek, Incorporated, (Architect) and York Construction Company (Developer), dated January, 1985, with the condition that surety agreements for construction of street improvements be approved prior to issuance of a building permit. Consent Agenda approval Calloway/Babb - 8 ayes.

***SC-21-85 - GOLDEN CORRAL ADDITION - APPROVED WITH CONDITION

This was a request for approval to add a 1,056 square foot solarium to an existing building on a 0.74 acre site, zoned Shopping Center. The property is located on the north side of US 70, just north of the intersection with Rembert Drive, inside the City Limits.

CR-5576 from the Planning Commission recommended that this request be approved according to a map entitled, "Golden Corral Addition," the property of Golden Corral Corporation, drawn by Tolson and Associates, dated May 1, 1985, with the condition that the cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to issuance of building permits. Consent Agenda approval Calloway/Babb - 8 ayes.

***SC-26-85 - CAMERON VILLAGE RENOVATIONS - APPROVED

This was a request for approval to renovate a portion of Cameron Village Shopping Center and the pedestrian walkways and sidewalks. The property is located on the west side of Daniels Street, between Clark Avenue and Cameron Street, inside the City Limits.

CR-5578 from the Planning Commission recommended that this request be approved according to a map entitled, "Cameron Village Renovations," the property of Brookpoint Corporation, drawn by Angshuman De Architects, dated April 10, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-66-85 - RAY BARKER INDUSTRIAL PARK - APPROVED

This was a request for approval to subdivide a 19.4 acre tract which is currently undeveloped and zoned Industrial-I into 17 lots. The property is located on the north side of US 64 directly across from Partin Road, outside the City Limits.

CR-5579 from the Planning Commission recommended that this request be approved according to a map entitled, "Ray Barker Industrial," the property of Ray Barker and Associates, drawn by John A. Edwards and Company, dated May 17, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-75-85 - 54 INDUSTRIAL PARK - APPROVED

This was a request for approval to subdivide an 11.06 acre tract into 10 lots, zoned Industrial-I. The property is located between Highway 54 and Hillsborough Street, on the east side of Nowell Road, outside the City Limits.

CR-5580 from the Planning Commission recommended that this request be approved according to a map entitled, "54 Industrial Park," the property of Thom Williams, drawn by Walter Bunn, dated May 21, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-98-85 - NORTH PLAZA INDUSTRIAL PARK - APPROVED

This was a request for approval to subdivide a 13,600 square foot building on a 1.2 acre tract which is zoned Industrial-I into six condominium units. The property is located on the north side of North Market Drive, just northeast of the Wake Forest Road-Falls of Neuse Road intersection, inside the City Limits.

CR-5581 from the Planning Commission recommended that this request be approved according to a map entitled, "North Market Commercial Condominiums," the property of Erget, Incorporated, drawn by H. S. Annis, AIA, dated July 16, 1984. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-103-85 - NORTH BOULEVARD INDUSTRIAL PARK LOT 31 - APPROVED

This was a request for approval to subdivide a 1.84 acre parcel which is zoned Industrial-I into two lots. The property is located at the northern end of Primavera Court in North Boulevard Industrial Park, north of Spring Forest Road, inside the City Limits.

CR-5582 from the Planning Commission recommended that this request be approved according to a map entitled, "Subdivision Map for Guy C. Lee Manufacturing Company," the property of Guy C. Lee Manufacturing Company, submitted by Ragsdale Consultants, P. A., dated April 30, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-105-85 - STAFFORD TOWNHOMES REVISION - APPROVED

This was a request for approval to revise a previously approved plan (S-31-84) by relocating Units 38-40 and the recreation facilities on a 12.2 acre tract, zoned Residential-6, with an approved townhouse development of 73 units. The property is located on the east side of Sandy Forks road, at the intersection of Lynn Road, inside the City Limits.

CR-5583 from the Planning Commission recommended that this request be approved according to a map entitled, "Stafford Townhomes Revision," the property of Hunt Development, drawn by Bass, Nixon and Kennedy, dated May 1, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***STREET NAME CHANGE - ATLANTIC AVENUE - PUBLIC HEARING AUTHORIZED

CR-5584 from the Planning Commission recommended that Winton Road be renamed Atlantic Avenue (i.e., that the portion from Wake Forest Road to Spring Forest Road be named Atlantic Avenue, and the portion from Spring Forest Road northward be named Litchford Road), and that the public hearing be set in accordance with standard procedures for street name changes. Consent Agenda approval Calloway/Babb - 8 ayes.

***TC-10-85 - EXTENSION OF UTILITIES - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-6035 of the Raleigh City Code requiring connection to the City utility system, if the public line is available within twelve months rather than four months after plat approval, to reflect recent General Assembly changes.

CR-5586 from the Planning Commission recommended that TC-10-85 be approved as presented. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 577 TC 237

WHEREAS, Session Laws 1984 Chapter 1080 requires as a precondition for requiring the dedication of private water systems that the City, within one year, extend its water to the dedicator's property; and

WHEREAS, Raleigh City Code §10-2063(b) requires that no single City utility can be used without the other utility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-3049(a) of the Raleigh City Code as amended by Section 12 of Ordinance No. (1985) 511 TC 232 modified is amended to replace the words "where city water or sanitary sewer is available or made available within four (4) months after approval of the plat," with the following language: "where city sanitary sewer or water is available or made available within one year after approval of the plat,".

Section 2. Sections 10-3054(b) and 10-3055(b) of the Raleigh City Code are amended to replace the words "four (4) months" with the following language: "one year.".

Section 3. Raleigh City Code Section 10-3054(d) and Section 8-2063(d) as rewritten by Section 25 of Ordinance No. (1985)-543, are hereby amended to add a new last sentence which shall read as follows:

"If the conditions of State Law 160A-374 are met by the City, full dedication of a community water system, including all wells, pumps, and utility lines, is required.".

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 8. This ordinance shall become effective upon its adoption.

Section 9. This ordinance has been filed with the Wake County Register of Deeds as required by law.

ADOPTED: 6/4/85

EFFECTIVE: 6/4/85

***TC-11-85 - RESERVATION OF LANDS FOR PUBLIC FACILITIES - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-6035 of the Raleigh City Code relating to limitations on building permits to reflect recent General Assembly action which gave the City the authority to withhold building permits up to seven months when such are in conflict with planned public facilities.

CR-5587 from the Planning Commission recommended that TC-11-85 be approved as presented. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) - 578 TC 238

AN ORDINANCE TO ALLOW THE CITY COUNCIL TO RESERVE LAND S FOR PUBLIC FACILITIES SHOWN ON THE COMPREHENSIVE PLAN PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 10-6035 of the Raleigh City Code relating to limitations on building permits is hereby amended to add a new subsection, 10-6035(g), said subsection to follow subsection 10-6035(f) as enacted by Section 33 of Ordinance No. (1985) 511 TC 232 as modified and shall read as follows:

"(g) If a building permit is requested within a planned right-of-way for public streets or utilities for which dedication is not otherwise required, or the planned site of public buildings or facilities, including but not limited to fire stations, police stations, parks and greenways, schools, utilities treatment, storage transmission, or collection facilities, and waste disposal facilities shown on the Comprehensive Plan, the administrative official charged with receiving the building permit request shall forward the request to City Council is its next regularly scheduled meeting. The City Council shall decide at that meeting whether it wishes to require the reservation. If the Council does wish to require the reservation, it shall have a period of seven months in which to acquire the reserved area by purchase or eminent domain. If the Council has not purchased the reservation interest or begun condemnation proceedings within the seven month period, the building permit applicant may treat the land as free of the reservation and the permit shall then be issued.

State Law Reference: 1983 Session Law, Chapter 272, Section 1."

Section 2. All ordinance and clauses in conflict herewith are hereby repealed to the extend of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 6. This ordinance shall become effective immediately upon its adoption.

ADOPTION: 6/4/85

EFFECTIVE: 6/4/85

***TC-12-85 - EMERGENCY SHELTERS - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend subsection 10-2044(1) b.3. of the Raleigh City Code to increase the number of individuals spending the night in a shelter from twenty-five (25) to thirty-five (35).

CR-5588 from the Planning Commission recommended that TC-12-85 be approved as presented. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 579 TC 239

AN ORDINANCE TO AMEND THE EMERGENCY SHELTER REGULATIONS.

Section 1. Definition of Emergency Shelter contained in Section 10-2002 of the Raleigh City Code is hereby amended to change the erroneous code reference therein from 10-2073(c)(28) to 10-2044(1)b.

Section 2. Subsection 10-2044(1)b.3. of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"3. The shelter shall not house more than thirty-five (35) individuals per night.".

Section 3. All laws in conflict herewith are repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall become effective five (5) days following its adoption.

ADOPTED: 6/4/85

EFFECTIVE: 6/9/85

***REZONING Z-14-85 - FAIRVIEW ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 3/4 acre from Office and Institution-I to Neighborhood Business.

CR-5589 from the Planning Commission recommended that Z-14-85 be approved as amended; that is, that the property contained in Z-14-85 be rezoned to Neighborhood Business as requested except for a 30-foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, as indicated by the map attached to CR-5589. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek,

opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-54-85 - HILL STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10.5 acres from Residential-6 to Residential-15.

CR-5590 from the Planning Commission recommended that Z-54-85 be approved as requested. Consent Agenda approval Calloway/Babb - 7 ayes. (Babb excused doing vote on Consent Agenda).

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-56A-85 - KYLE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 27 acres from Rural Residential to Residential-10 and Conservation/Buffer (50 feet along either side of the streams bisecting the site).

CR-5591 from the Planning Commission recommended that Z-56A-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-56B-85 - CP&L POWER LINE EASEMENT - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 40.3 acres from Rural Residential to Residential-10.

CR-5592 from the Planning Commission recommended that Z-56B-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-58-85 - PERRY CREEK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 4.3 acres from Residential-4 to Residential-6.

CR-5593 from the Planning Commission recommended that Z-58-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

***COMPREHENSIVE PLAN - COLLECTOR STREET PLAN - HEARING TO CONSIDER ADDING WAKETOWNE DRIVE - HEARING AUTHORIZED

This was a request for approval to amend the Comprehensive Plan's Collector Street Plan.

CR-5595 from the Planning Commission recommended that a public hearing be authorized to add Waketowne Drive to the Comprehensive Plan Collector Street Plan. Consent Agenda approval Calloway/Babb - 8 ayes.

***REZONING Z-69-85 - BLUE RIDGE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 0.7 acre from Residential-4 to Office and Institution-I.

CR-5598 from the Planning Commission recommended that Z-69-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 582 ZC 163.

***REZONING Z-77-85 - COLEMAN STREET - DENIED

This was a request for approval to rezone approximately 0.6 acre from Residential-20 to Residential-30.

CR-5600 from the Planning Commission recommended that Z-77-85 be denied. Consent Agenda approval Calloway/Babb - 8 ayes.

***REZONING Z-79-85 - NORTH PERSON STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5,200 square feet to Historic Overlay District.

CR-5601 from the Planning Commission recommended that Z-79-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

****END OF PLANNING COMMISSION CONSENT AGENDA****

***SC-25-85 - SHONEY'S SIGN - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval of a 126 square foot sign for an existing fast-food restaurant on a 0.92 acre site, zoned Shopping Center. The property is located on the west side of Falls of Neuse Road, at the intersection with Bullard Court, in the Sutton Square Shopping Center, inside the City Limits.

CR-5577 from the Planning Commission recommended that this request be approved according to a map entitled, "Shoney's Sign," the property of Shoney's South, Incorporated, drawn by Acken Signs, dated May 22, 1985.

Planning Director Chapman explained the request. Planning Commission Chairman McNeeley indicated the only discussion was whether in fact this sign does comply with the sign ordinance. It does comply; therefore, Planning Commission unanimously recommended approval. Mr. Congleton indicated this has become extremely frustrating

to him because of the way shopping centers seem to develop lot by lot. He indicated we now have two free standing signs that exist in what he thought was one shopping center, but due to the fact that they were developed lot by lot or a number of lots together to form the shopping center, each individual parcel can have a free standing sign. He indicated the City Council has asked Administration to look at on site signage and make recommendations. He stated he has been advised that this particular sign does meet the criteria. Therefore, he does not know if there is anything the Council can do at this point but he feels that we are going to be hit with this time and time again. He suggested possibly we should have "a pause for Planning" to allow staff to come in with recommendations. Mr. Congleton indicated he had voted for a parcel to be rezoned to shopping center recently as he thought it would be combined and be one shopping center, but now he learns it will be three different parcels. City Attorney McCormick, in response to questions, explained the on premise sign ordinance and this proposed sign is well within the ordinance. He indicated, however, the Council may want to put this in a Committee to see if there is any room for negotiation with the applicant. Mr. Congleton moved that SC-25-85 be referred to Law and Finance Committee. His motion was seconded by Ms. Cates.

Mr. Congleton questioned if there was a need for a pause for Planning while Administration is studying our sign ordinance with Ms. Block suggesting that the Committee could look at that. Discussion took place as to what is in the Committee with it being pointed out the sign request is in Committee and the Law and Finance Committee would have the authority to look at the sign ordinance and come up with any appropriate text changes. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***TC-8-85 - CLUSTER UNIT DEVELOPMENT - YARD SETBACK - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to amend Chapter 10 of the City Code as follows: (1) Amend the design standards for cluster unit developments by reducing the rear yard requirement for single-family dwellings in cluster unit developments from thirty (30) feet to twenty (20) feet (except when the rear yard adjoins a public street or private drive); (2) relocated the dimensional yard requirements contained in subsections 10-3071(b) (2)b. and c. to Chapter Two, Part 10, of the City Code; and (3) amend Section 10-2026 (Residential-6 District, permitted uses) by adding a new subsection (k) which will allow cluster unit developments on ten (10) acres or greater.

CR-5585 from the Planning Commission recommended that TC-8-85 be approved as presented.

Planning Director Chapman explained the proposed text change pointing out most of the discussion related to whether or not the perimeter yard is being maintained under this text change. He indicated the change relates to yard relationship within a development. Chairman McNeely briefly explained the Planning Commission's discussion on this item. Ms. Cates indicated she did not have an opportunity to get to the Planning Commission when this was discussed and she doesn't fully understand the proposal. She stated she is concerned about the reduction of rear yard setbacks and clustering next to already developed neighborhood. She stated she would like to put this item in Public Works Committee so she would have an opportunity to study it further and so moved. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Ms. Babb who was excused from participation during the vote on the Consent Agenda. The Mayor ruled the motion adopted.

***REZONING Z-62-85 - WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7.3 acres from Office and Institution-I (2.3 acres), Residential-20 (3 acres), Residential-10 (1.6 acres), and Residential-4 (.4 acre) to Office and Institution-II.

CR-5594 from the Planning Commission recommended that Z-62-85 be approved as requested.

Planning Director Chapman explained the request and Mr. McNeely explained the Planning Commission's discussions pointing out there was only minor discussion. Ms. Block indicated there was a statement in the Planning Commission's material that this would add approximately 14,000 cars per day to Wake Forest Road. She pointed out even with the addition of Waketowne Drive she feels that this is going to create addition problems. She stated for years we have tried to get the Holly Park Shopping Center to have an access road to try to help with the traffic in this area. Discussion took place with Planning Director Chapman explaining the concerns about traffic that were discussed in the Planning Commission. The fact that Waketowne Drive will come in at the signal line intersection with the Holly Park entrance was also discussed. The traffic concern and the collector plan in the area was discussed after which Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative except Mr. Keller and Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fairview Road, north side; and Whitaker Mill Road, south side; between "Five Points" intersection and Scales Street, being portions of Parcel 4, Block F-26, Tax Map F-11 (Zoning Map 494), rezoned to Neighborhood Business except for a 30 foot strip of Office and Institution-I to remain on the east and southeast sides, adjacent to the residential lots on Scales Street, Fairview Road and Whitaker Mill Road, according to a map entitled "Z-14-85, .72 ac. Planning Commission Recommendation", on file in the City of Raleigh Planning Department. (Z-14-85)

(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-63-85 - SPRING FOREST ROAD - PROPERTY REZONED TO RESIDENTIAL-6

This was a request for approval to rezone approximately 3.14 acres from Residential-4 to Residential-10.

CR-5596 from the Planning Commission recommended that Z-63-85 be approved as requested.

Planning Director Chapman explained the requested rezoning. Chairman McNeely indicated there was virtually no discussion on this item at the Planning Commission. Ms. Block pointed out the CAC says the average density in this area has already been reached. She indicated we do not usually rezone areas that are going to be required for right-of-way with Mr. Congleton pointing out all of the Spring Forest Road extension right-of-way has been acquired. Ms. Block pointed out this property is adjacent to an R-6 neighborhood and she would move that the property covered by Z-63-85 be rezoned to Residential-6. Her motion was seconded by Mr. Keller. Mr. Congleton pointed out he really could not debate between Residential-6 and/or

Residential-10 pointing out this property also adjoins Residential-10 property. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Babb and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

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(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

(i) Blue Ridge Road, west side, between Forest View Road and Lake Boone Trail; across from Rex Hospital, being Parcels 92 and 117, Tax Map 462, rezoned to Office and Institution-I. (Z-69-85)

(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***REZONING Z-71-85 - WESTERN BOULEVARD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 2.7 acres from Residential-6 to Office and Institution-I.

CR-5599 from the Planning Commission recommended that Z-71-85 be approved as amended; that is, that the property contained in Z-71-85 be rezoned to Office and Institution-III.

Planning Director Chapman explained the request. Chairman McNeely explained the Planning Commission's recommendations and discussions on this item. Mr. Keller pointed out in deed there is a church, fire station and a day care center in this immediate vicinity, however, they are allowed uses in a residential district. He indicated there are business uses up at Powell Drive but basically this is a residential neighborhood. He pointed that this property is about 400 feet in depth and the City Council has been very strict in maintaining the 200 feet non-residential along Western Boulevard. He indicated this rezoning, if approved, he feels will be a threat to the neighborhoods. He stated based on the City Attorney's recommendations as how motions should be made, he would move approval of this rezoning. His motion was seconded by Ms. Block. He pointed out he is moving approval of the rezoning, however, plans to vote against it and hopes other Council Members will also. Mr. Congleton made a substitute motion that this matter go to Law and Finance Committee and let the petitioner work with the neighborhood to see if there is something that can be worked out. This substitute motion was seconded by Ms. Babb. Ms. Block objected indicating the applicant's attorney does not want to talk to the neighborhood. She pointed out when the Council asks people to talk to neighborhoods, she feels that that is to a certain extent, endorsing what the application is calling for and saying to the neighbors they should negotiate. She stated the Council is asking the neighborhood to do something they do not want to do. She indicated the neighborhood has discussed this and the Council is aware of how they feel about it. The substitute motion to refer the item to the Law and Finance Committee was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

***REZONING Z-68-85 - ED DRIVE - DENIED

This was a request for approval to rezone approximately one acre from Residential-4 to Office and Institution-III.

CR-5597 from the Planning Commission recommended that Z-68-85 be approved as requested.

Mr. Walters indicated that if this zoning is approved that about two-thirds of the property will be covered by office building. He stated he feels that is the best that can take place for this area pointing out it is a transition zone. He moved approval of the Planning Commission's recommendation. His motion was seconded by Ms. Babb and put to a vote with the results as follows: Ayes - Babb, Calloway, Walters; Noes - Block, Cates, Congleton, Keller, Upchurch. The Mayor ruled the motion defeated. Therefore, there is no change in the zoning.

COMMITTEES, COMMISSIONS AND BOARDS

***DOWNTOWN HOUSING IMPROVEMENT CORPORATION - NO ACTION TAKEN

The City Clerk reported there are five terms that expire on July 3 and the following five persons have been nominated: Edgar Davis, Sonnya Quin, Dan Ellison, Gus Anderson and Ruth Pope. Nominations have not been closed. Ms. Cates moved that nominations be closed. Her motion was seconded by Mr. Calloway. Ms. Block asked to speak with Mayor Upchurch asking that the motion to close nominations be held. Ms. Block indicated she has had some communication with the Women's Political Caucus and they would like an opportunity to make some suggestions for these various boards. She pointed out since these terms do not expire until sometime in July, they asked her to request that elections be held off until the Women's Political Caucus have an opportunity to determine if they have candidates. Lengthly discussion took place on the procedure followed, the fact that Ms. Block had requested elections to be held off, City Council Policy, etc. Mr. Walters moved that the City Council hold open these nominations at the request of Ms. Block. His motion was seconded by Mr. Calloway. Lengthly discussion took place as to whether the Council has a policy of whether to hold up nominations or elections at the request of a City Council Member, etc. Ms. Babb indicated she had no objection whatsoever to holding these nominations at the request of Ms. Block or at the request of any Council Member who wishes to make a nomination, but she feels that we need to think about overall what the Council is saying. She indicated it is her opinion that we should go ahead and fill vacancies as they come up. She indicated we have a procedure on making appointments that is when nominations are made, closed, elections held, etc., and she has spoken with the Women's Political Caucus and has explained the system to them. She indicated it doesn't serve any constructing purpose for any one to wait until the last minute to suggest the candidates for any position. She indicated she wanted to make these points, however, has no objection to waiting. The motion to defer action on the appointments was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***HOUSING AUTHORITY - VERNOL R. JANSEN, JR. - REAPPOINTED

The City Clerk reported the term of Vernol R. Jansen, Jr. expires July 6. He has been nominated for reappointment and nominations have not been closed. Mr. Congleton moved that nominations to the Housing Authority be closed. His motion was seconded by Ms. Cates. Ms. Block indicated when the discussion was held on the Downtown Housing Improvement Corporation and the fact that the Women's Political Caucus had asked her to hold appointments, she was talking about all July vacancies not just the

Downtown Housing Improvement Corporation. Lengthly discussion took place on the appointment policy with Ms. Babb pointing out she thought that Ms. Block was just asking that appointments to the Downtown Housing Improvement Corporation be held. She did not realize that Ms. Block was requesting that all July nominations be held. She again indicated the Women's Political Caucus know the system and she sees no reason to hold up the appointments. Ms. Block indicated she was just making this request at the request of the Women's Caucus. Discussion took place on the appointment procedure after which the motion to close nominations and reappoint Ms. Jansen by acclamation was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

***PARKS AND RECREATION ADVISORY BOARD AND GREENWAY COMMISSION - HELD

Mr. Keller indicated the Law and Finance Committee is discussing the Parks and Recreation Advisory Board and Greenway Commission Advisory role. He stated hopefully the Law and Finance Committee would have a report to be made soon. Therefore, he would request that action be held on the Parks and Recreation Advisory Board and Greenway Commission's vacancies. Without objection, this was agreed to.

***ARTS COMMISSION - VACANCY ANNOUNCED

The City Clerk indicated she had received a resignation from Patricia Caple on the Arts Commission effective immediately. The Clerk indicated Ms. Caple had explained that her graduate studies and other pursuits precludes her from devoting the necessary time to the Arts Commission. No nominations were made.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***REZONING Z-36-85 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED; CITY'S DESIRE MADE KNOWN

Mr. Keller reported the Law and Finance Committee recommends rezoning of approximately 38.59 acres, covered by application Z-36-85, to Residential-10 as requested. In making this recommendation, the Committee asked that it be noted that it is the hope of the City that there would be a natural, undisturbed area on the southern side of this property which will serve as a buffer for the lower density development to the south. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Cates made a substitute motion that the property be rezoned Residential-10 with a 50 foot conservation/buffer on the southern side of the property. Her motion did not receive a second. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 582 ZC 163

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

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(b) Duraleigh Road, west side, between U. S. 70 West and Crabtree Creek, opposite Delta Lake Drive, being portions of Parcels 7 and 40, Tax Map 376, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-36-85)

(c) Hill Street, north end, between Skycrest Drive and Trawick Road, being a portion of Parcel 30 and Parcel 637, Tax Map 467 rezoned to Residential-15, according to a map on file in the City of Raleigh Planning Department. (Z-54-85)

(d) Kyle Drive (State Road 2213), south side, east of the CP&L Power Line easement, being Parcel 410-1108, Tax Map 411 and a portion of Parcel 1243, Tax Map 410-411, rezone to Residential-10 and Conservation/Buffer (50 fee along wither side of the streams bisecting the site), according to map on file in the City of Raleigh Planning Department. (Z-56A-85)

(e) CP&L Power Line easement, east and west sides, about mid-way between Kyle Drive and Buffaloe Road, being Parcel 1, Tax Map 411-439 rezoned to Residential-10. (Z-56B-85)

(f) Perry Creek Road (State Road 2006), abut 300 feet to the southwest, between McGuire Drive and Berkshire Downs Drive, being Parcel 102, Tax Map 328, rezoned to Residential-6. (Z-58-85)

(g) Wake Forest Road, west side, at the northwest quadrant of the intersection of Wake Forest Road and Wake Towne Road, being a portion of Parcel 28, Tax Map 465, rezoned to Office and Institution-II according to a map on file in the City of Raleigh Planning Department. (Z-62-85)

(h) Spring Forest Road Extension (proposed), north side, between Sandy Forks Road and Falls of Neuse Road and south of Ashebrook Drive, being all of Parcel 947, Tax Map 380, except the right-of-way of Spring Forest Road Extension, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-63-85)

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(j) North Person Street, east side, between East Edenton and E. Jones Streets, being Parcel 1, Block A-75, Tax Map A-31, (Zoning Map 552), rezoned to Historic District (Overlay). (Z-79-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 6/4/85

Effective: 6/4/85

***SIDEWALKS - KINGS MILL VILLAGE - DEVELOPER TO INSTALL

Mr. Keller reported the Law and Finance Committee recommends that the original developer of Kings Mill Village be given 30 days to have the building of the sidewalks in the area under contract, with the understanding that, if this has not occurred, the City Attorney is authorized to enter suit against the developer if necessary. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC PROBLEMS - WOODS REAM DRIVE - MEDIAN TO BE INSTALLED

Mr. Keller reported the Law and Finance Committee recommends construction of a median at the entrance of Woods Ream Drive off Six Forks Road which would direct traffic to right-turn in/right-turn out only. It is understood this median would be constructed by the City as soon as possible. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 582 A

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 8A entitled "NO RIGHT TURNS" be amended by adding the following:

Six Forks Road, southbound at Woods Ream Drive

Woods Ream Drive at Six Forks Road

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of their conflict.

Section 3. That this ordinance shall become effective August 26, 1985.

Adopted: 6/4/85

Effective: 8/26/85

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***WALNUT CREEK SANITARY SEWER PARALLELING - REPORT APPROVED

Ms. Block indicated Council Members received in their Agenda packet the report by Tate Lanning on apportioning costs associated with paralleling Walnut Creek Sewer Outfall. The Committee recommends approval of the report. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC - PARKING ON PRINCETON STREET - CODE AMENDED

Ms. Block reported the Public Works Committee recommends removal of the "no parking" restrictions on the south side of the 500 Block of Princeton Street. On behalf of the Committee, she moved the recommendations be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 576

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Princeton Street, north side, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Amend said Section further by deleting the following:

Princeton Street, both sides, beginning at a point 214 feet east of Latimer Road, eastward 275 feet

Section 2. That Traffic Schedule No. 15B entitled "30 MINUTE PARKING be amended by adding the following:

Davie Street, north side, from Harrington Street westward 60 feet Harrington Street, west side, from Davie Street, northward 122 feet

Section 3. That Traffic Schedule No. 15D entitled "2 HOUR PARKING" be amended by adding the following:

Person Street, east side, between Jones and Lane Streets

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective June 11, 1985.

Adopted: 6/4/85

Effective: 6/11/85

***SUBDIVISION S-44-85 - KLYMAN PROPERTY - APPROVED WITH CONDITIONS; PUBLIC HEARING TO CONSIDER REMOVING CHESTER ROAD AS COLLECTOR STREET - AUTHORIZED

Ms. Block reported that the Public Works Committees recommends that a public hearing be held to consider amending the Comprehensive Plan by removal of Chester Road as a collector street. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Block reported the Public Works Committee recommends approval of this subdivision with the condition that the required street improvements be made to Lewis Circle (1/2 of a 27 foot back-to-back street). The Committee further recommends that the developer post a Letter of Credit for the difference between a 31-foot and 41-foot street on Chester Road pending action on the Comprehensive Plan amendment and that the developer be allowed to improve Chester Road to 27 feet with payment of the cost difference between a 27-foot and 31-foot street. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Ms. Block explained the recommendation pointing out the developer did not want to wait until all of these actions had taken place that is removal of Chester Road from the collector street plan, wait to improve the streets, etc. Therefore, he is agreeable to the conditions as outlined. The motion as stated was put to a vote which and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***DOWNTOWN EAST SIDE NEIGHBORHOOD TASK FORCE - ADDITIONAL MEMBERS APPOINTED

Mayor Upchurch indicated the Downtown Committee recommends that the East Neighborhood Task Force be enlarged to thirteen (13) members. The four additional members would include a representative of the Raleigh - Wake Citizens Association, a representative of St. Augustine's College Economic Development Program, and two people who either live or own a business in the Downtown East area. It is anticipated that Administration would make recommendations for filling these four slots at the Council Meeting.

City Manager Benton indicated Administration has been able to come up with three of the four recommended names. For the residents of the Downtown East, it is recommended that Ms. Lynette Cullom, 316 East Davie Street and John W. Carlton, 215 East Lenoir Street be appointed. It is also recommended that Alber Scott representing St.

Augustine's College Economic Development Program be appointed. He indicated RWCA hasn't been able to meet and provide a recommendation to be on the Committee at this time. Mr. Calloway moved the recommendation of the Downtown Committee be upheld and the three persons as outlined by the Manager be appointed to the Neighborhood Task Force. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***EXCHANGE PLAZA - ADMINISTRATION AUTHORIZED TO SOLICIT PROPOSALS

Mayor Upchurch indicated the Downtown Committee recommends that Administration be authorized to solicit proposals for design services to upgrade Exchange Plaza with it being pointed out the estimated cost is approximately $12,000. The proposals would come back to Council for approval. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - OPERATING DEFICIT ESCROW ACCOUNT AND EXPENDITURE FOR SYNDICATION PACKAGE - AUTHORIZED

Mayor Upchurch indicated the Downtown Committee received an update on the City Market Project with it being pointed out the developer has signed the agreement with the bank group for the $4,000,000 loan. The Committee recommends that $175,000 be set up for operating deficit escrow according to a previously approved agreement. The Committee further recommends that the City be authorized to advance funds to Cranston, according to the fee schedule and agreement, relating to the syndication package and that Cranston be authorized to proceed with spending money from that category. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block questioned how they have an operating deficit if they haven't spent any money. City Manager Benton explained the financing arrangements, including the operating deficit, escrow and syndication. The motion as stated was put to a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRANSIT TRANSFER FACILITY - TOILETS - ADMINISTRATION DIRECTED TO INCLUDE IN DESIGN

Mayor Upchurch indicated the Downtown Committee recommends that the Transit Transfer Facility include toilet facilities and that Administration be authorized to begin whatever is necessary to include toilet facilities in the plan for the Transit Transfer Facility. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated she would like for Administration, in dealing with the architect on the toilet facilities, to consider having European style toilets, that is toilets whereby the feet are always visible as she feels this increasing safety. Ms. Cates indicated she would like for Administration to consider changing tables for babies. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***RADISSON HOTEL PARKING AGREEMENT - AMENDMENT AUTHORIZED

Mayor Upchurch indicated the Downtown Committee recommends that the agreement relating to the parking agreement with York Hannover and the Radisson Hotel be amended as outlined below.

(1) Two hundred parking spaces would be leased to the Hotel for a monthly rate of $32.50 per space which would be $78,000 per year.

(2) The amount paid by the Hotel in excess of the monthly total would be credited to the monthly parking bill. This is estimated to average $1,400 per month or $16,800 per year. A ceiling of the amount which could be credited each year would be $16,800.

(3) York Hannover will agree to reduce the requirement for general parking by 50 spaces which the City could lease at $45 per month. This provision would be subject to termination if the parking is required for Hotel guests or for parking to serve the York Hannover Building. The Hotel or York Hannover would give the City 30 days notice when such a problem occurred.

If these spaces are fully leased, the monthly income would be $2,250 or $27,000 per year.

(4) The above noted terms would be applicable for a two-year period. Following this time period, the original terms of the agreement as applicable to Items 1 and 2 would become effective. Item 3 would continue after the two-year period.

On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

None.

REPORT FROM TRIANGLE J COUNCIL OF GOVERNMENTS

***TRIANGLE J COUNCIL OF GOVERNMENTS - REPORT - RECEIVED

Mayor Pro Tem Walters, the City's delegate to the Triangle J, presented Council Members with copies of the minutes of the May 22 COG meeting. He indicated action that the Council would be interested in includes the 85-86 budget and the endorsement of the Water Resources Committee recommendation to again to support a state-wide band on phosphorous detergents. He indicated the Council would also be interested to know that Councilman Howes from Chapel Hill has been nominated and is running unopposed for first vice president of the National Association of Regional Council. Mr. Walters indicated Mayor Upchurch was officially thanked for his dedicated effort and hard work on the Water Resources Committee. Mayor Upchurch was elected to serve as vice chairman of Triangle J Council of Governments for the upcoming year.

Mr. Walters indicated the report is for the Council's information and at the first City Council meeting of each month, he would give a report on Triangle J for the Council's information.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

***ESTEY HALL - CONCEPT OF FUNDS APPROVED - ADMINISTRATION TO WORK OUT FORMAL AGREEMENT

Chairman Calloway indicated the Intergovernmental Liaison Committee unanimously recommends approval of a $300,000 loan at a low interest rate and a $300,000 grant to Estey Hall Foundation with the stipulation that none of the $600,000 would be released until all funds are raised that are necessary to complete the entire project which is estimated to cost $1,434,000. On behalf of the Committee, he moved that recommendation be upheld and that Administration be directed to work with the foundation to work out a formal agreement to bring back to City Council. His motion was seconded by Ms. Block. Ms. Block indicated one of the request made by Estey Hall Foundation is that members of the City Council be available to help them with speeches and backing of the fund raising events. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***BID REQUEST 84-69 - CAB AND CHASSIS - BID AWARED TO CARDINAL INTERNATIONAL TRUCKS

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on June 3, 1985 for one cab and chassis with results as follows: Cardinal International Trucks - $45,081.14; Triple T Parts and Equipment - $49,970.00; Carolina Mack Trucks - $53,603.00.

City Manager Benton indicated these bids were taken yesterday and this is an item that the City needs to have immediately. He indicated therefore, the City requested availability on short notice. He indicated the first two bids Cardinal International and Triple T Parts and Equipment did not meet bids totally in all terms. He indicated, however, Administration is recommending that the low bids submitted by Cardinal International Trucks be awarded because of the time restraints involved. He indicated there are some minor deviations from specification in the Cardinal bid, however, they are very minor and they can be resolved for a much lesser amount than the bid submitted by Carolina Mack Sales which is the only bid that totally matched specifications. Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***NEUSE RIVER/PERRY CREEK SEWER SERVICE AREA - RESOLUTION ADOPTED GIVEN CITY MANAGER CERTAIN AUTHORITIES

City Manager Benton indicated as the Council is aware, we have entered into several agreements with interested developers in the Neuse River/Perry Creek Sewer Service area. He indicated in this agreement the City agreed to reduce periodically the security required with prepayments of sewer acreage fees. He stated certain prepayments have been made and future prepayments are expected and requests have been made and will continue to be made to reduce the security. The Manager indicated he would recommend that the City Council adopt a resolution authorizing the City Manager to perform the obligations of the City under these agreements as regards the security given by the developers and to periodically reduce and/or release security received thereunder and as required thereby including the specific right to waive claims and the rights of the City under letters of credit. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Mr. Calloway and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 822

WHEREAS, the City entered into an Agreement dated october 15, 1984 (effective January 29, 1985) with Marvin D. Musselwhite, Jr., Agent for Interested Developers in the Neuse River/Perry Creek Sewer Service Area; and

WHEREAS, under paragraph (6) of the aforesaid Agreement, the City agreed to reduce periodically the security required under said Agreement with prepayments of sewer acreage fees;

WHEREAS, certain prepayments have been made and future prepayments are contemplated, and requests have been made and will continue to be made to reduce the security;

NOW, THEREFORE, be it resolved by the City Council of the City of Raleigh that Dempsey E. Benton, Jr., City Manager, is authorized to perform the obligations of the City under the aforesaid Agreement as regards the security given by Developers and to periodically reduce and/or release security received thereunder and as required thereby, including the specific right to waive claims and rights of the City under Letters of Credit.

Adopted: 6/4/85

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE.

REPORT OF MAYOR AND COUNCIL MEMBERS

***NUISANCE PROBLEM - 219 BOYLAN AVENUE - REFERRED TO ADMINISTRATION

Mayor Upchurch asked Administration to look into problems at 219 Boylan Avenue. He indicated there have been complaints of noise problems, people crawling from one roof to another, garbage on the roof, etc. Without objection, the item was referred to Administration.

***TRAFFIC - SIGNAL AT NEW BERN/TARBORO ROAD - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated he had complaints that the traffic signal at the intersection of New Bern Avenue and Tarboro Road favors Tarboro rather than New Bern Avenue which is the main artery. He indicated only about four cars can get through on the green light at New Bern but the green light for Tarboro is extremely long. Mr. Walters agreed that this is a problem and without discussion, the item was referred to Administration.

***OLIVIA RAINEY LIBRARY - POSSIBILITY OF SALE - REFERRED TO THE REAL ESTATE COMMITTEE

Mayor Upchurch indicated recently the Real Estate Committee discussed the sale of the Olivia Rainey Library. He indicated he had taken this, at the Council's direction, to the Capitol Planning Commission and they have discussed it, therefore, he feels that it would be appropriate to refer the item back to the Real Estate Committee to discuss the sale of the Olivia Rainey Library to the State. Without objection, the item was so referred.

***TRAFFIC - RESERVATION OF PARKING SPACES ON NEW BERN AVENUE - APPROVED

Mayor Upchurch indicated the Red Cross Blood Mobile is being sponsored by the State DOT on June 11 at the State Highway Building. He indicated they are requesting to reserve 15 spaces along New Bern Avenue and next to the Highway Building for the Blood Mobile, doctors and nurses to utilize. He indicated in addition, they have people coming in from all over the city and they need a place for them to park while donating blood. He indicated he has discussed this with the City Attorney and the City Council does have permission to grant reservation of the parking spaces as requested. Mayor Upchurch moved that the City Council grant permission for the State DOT to reserve approximately 15 spaces on New Bern Avenue and next to the Highway Building on June 11, 1985 in connection with the Blood Mobile. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SISTER CITY ANNUAL CONFERENCE - FUNDS APPROPRIATED TO SEND SIX PERSONS

Mr. Walters indicated the 1985 Sister City Annual Conference is in Baltimore July 10-14. He indicated the Sister City Committee would like to send persons to that conference. He explained the conference this year emphasizes youth and the Sister City Committee has been working with the Raleigh Youth Council on this project. He indicated the Sister City Committee would like to send four adults which would include three from the Committee and Sarah Vann, Youth Council Director, as well as two Youth Council members. He indicated to do this it is recommended that we reserve two rooms for the four adults and one half room for the two Youth Council Members pointing out arrangements have been made so that the teenagers will have four to the room and the cost would be $16.25 per teenager. He indicated the expense of all six would be less than it would be cost to send two members which is what the Sister City Committee first planned to recommend. Mr. Walters moved that the City Council appropriate $1,500 from City Council contingency in order to allow the six persons to attend the 1985 Annual Conference. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 572 TF 23

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth heretoforth appropriated are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$1,500.00
To 01-2-1100-0231	Travel Expense	1,500.00

Purpose: Send 4 adults and 2 youths to Sister City International Conference in Baltimore, Maryland

Adopted: 6/4/85

***SISTER CITY COMMITTEE - INFORMATION RECEIVED

Mr. Walters gave a brief report on the work of the Sister City Committee indicating they are still working on becoming affiliated with the City of Hull. He indicated they plan to ask the Mayor to contact his friend in Hull soon.

***THOROUGHFARE DISTRICT - RESIDENTIAL DENSITIES - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Walters indicated we are recently adopted the thoroughfare district zoning. He indicated he feels that we must continually look at our ordinances and change them for the better. He indicated as far as the thoroughfare district is concerned it allows forty residential units per acre. He explained we have not had any requests for this but he feels that forty residential units per acre on a major thoroughfare is not something that the City of Raleigh would want. He stated he would prefer to see the thoroughfare district have something like our O&I-II that is maybe twenty-five units per acre by special use permit or about ten acres by right. Mr. Walters moved that this matter be referred to Public Works Committee for consideration and recommendation back to Council. Without objection, the item was so referred.

***CEDAR HILLS PARK - OPENING OF DISC GOLF - INFORMATION RECEIVED

Mr. Congleton indicated the disc golf course at Cedar Hills Park was formally dedicated on Saturday and explained the competition that was held and the interest shown indicating it was a very exciting concept.

***SHELLEY SERTOMA PARK - PARKING - REFERRED TO ADMINISTRATION

Mr. Congleton indicated there is land on North Hills Drive involved in a rezoning request. He stated he would like for Administration to take a look at this land as it relates to the issue of parking for Shelley Sertoma Park. Without objection, the item was referred to Administration.

***TRAFFIC - NEWTON/FALLS OF NEUSE ROAD - REFERRED TO ADMINISTRATION

Mr. Congleton indicated the intersection of Newton and Falls of Neuse Road is becoming very congested. He stated he does not know if anything could be done in terms of a signal or what but he would like for Administration to look at the situation. Without objection, the item was referred to Administration.

***NON-DISCRIMINATION CLAUSE - INCLUSION OF SEX AND AGE - REFERRED TO THE LAW AND FINANCE COMMITTEE

Ms. Babb indicated earlier in the day there was discussion about our non-discrimination clause and whether it does or does not include prohibition of discrimination as it relates to sex and age. She stated she feels that both of these should be included. City Attorney McCormick suggested maybe this item should be referred to Committee so that everyone would understand what we are talking about when we speak of age. Without objection, the item was referred to Law and Finance Committee.

***COMPREHENSIVE PLANNING COMMITTEE - JUNE 24 - CANCELLED

Ms. Babb indicated a budget review session has been scheduled for June 24 at the same time the Comprehensive Planning Committee would normally meet. She stated at this time, it does not look as if the Comprehensive Planning Committee would need to meet, therefore, she would recommend that it be cancelled. Without objection, the item was cancelled with the understanding that a special meeting would be called if necessary.

***COMMITTEES, COMMISSIONS, AND BOARDS - NOMINATING PROCESS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Ms. Babb indicated it seems that the Council continuously gets into a hassel over the nomination process. She stated maybe it is time that the Council moved to the procedure of a nominating committee with the understanding the report would be brought to the City Council for approval. She indicated what she is thinking about is something along the lines of having three Council members at the time on this committee on a rotation basis so that each City Council member would serve on the Committee during the course of the year. She stated it would be a adhoc type committee charged with considering balance of race, sex, age, interest, etc. She stated she is very interested in doing something like this and feel it is time that we do something about it. She stated in addition there is also some question about the length of the appointments that also should be considered. Therefore, she would move that the City Council refer the total nominating process to the Law and Finance Committee. Her motion was seconded by Mr. Walters. Mr. Walters indicated any type nominating committee we would have he feels it is essential that there would still be an opportunity for nomination from the floor. The motion as stated was put to a vote and passed unanimously.

***WATER AND SEWER RELATED ITEMS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Ms. Block indicated she had two items that she would like to refer to the Public Works Committee. One relates to the study and possible reaffirmation of the City's policy of granting permanent and or temporary allocations of water to other cities including price and quantity. She stated the other item relates to the study of water and sewer availability and needs for Raleigh's growth areas and possibly expansion and distribution methods. Without objection, these two items were referred to the Public Works Committee.

***PRIVILEGE LICENSE - 119 EAST HARGETT STREET - NO ACTION TAKEN

Mr. Calloway indicated he had been contacted by Ms. Johnnie Barrett who has been seeking a privilege license at 119 East Hargett Street since January. He indicated he understands she has everything in order except a scaled drawing of the premises. He indicated he had been told that Inspector Brown said that everything was in order except this drawing but he could not work on it as he was going on vacation and it would be sometimes in June before he could consider it. Mr. Calloway suggested that the Council grant conditional approval so that the citizen can open up the business conditioned upon approval of the drawing. He indicated he had talked with Mr. Tschupp of the Inspections Division and Mr. Tschupp said that he would leave this with Mr. Brown when he returns. City Manager Benton indicated he would have some concerns about granting approval without all of the requirements being met and he would have a problem with granting permission to operate with the understanding that something would come in later as it seems to never come in. He suggested that this item be held until the night meeting at which time he would give a report. This was agreed to.

During the night portion of the meeting City Manager Benton indicated this item has been before staff about five months. He indicated the item that is missing is the floor plan that is needed to determine the occupancy level of the establishment. He indicated this floor plan is not needed just for cosmetic reason. He indicated he understood that there is a plan that has been submitted but it doesn't include sufficient information to determine the occupancy level. Without discussion, the item was removed from the Agenda with no action taken.

***STREET MAINTENANCE - COMMENTS RECEIVED; CHESTER ROAD - REFERRED TO ADMINISTRATION

Ms. Cates expressed appreciation to whoever did the work on Blue Ridge Boulevard to free it from weeds. City Manager Benton indicated that was the State DOT.

Ms. Cates indicated that she had had several calls of concern relative to the Chester Road/Oberlin Road intersection pointing out this used to be a beautiful bed of day lillies but it is grown up considerably. Administration was asked to look at the problem. Ms. Cates pointed out if we are having a problem maintaining the all of the areas the way the citizens expect it that maybe this is an item that could be looked at at budget time.

Ms. Cates indicated she understood that Mac Jones is looking at the leaf pick up schedule and reinterated her desire that he City worked very hard to coordinate the leaf pickup this coming year.

***TC-269 - PROGRESS REPORT REQUESTED

Ms. Cates indicated she would like to have a progress report on the status of TC-269. Without objection, the item was referred to Administration.

***PARK LAND ACQUISITION - STATUS REPORT REQUESTED

Ms. Cates indicated she would like to have a report on where the City is on our park land acquisition program. Without objection, Administration was asked to provide a progress report.

***SIDEWALK INSTALLATION - MILBURNIE ROAD - RESOLUTION OF INTENT ADOPTED

Mr. Walters indicated there is approximately a 100 foot section of Milburnie Road running off of Raleigh Boulevard that does not have sidewalks. He asked that this matter be referred to Administration to set a public hearing to consider the installation of sidewalks. He put this in the form of a motion which was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-823

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section.6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of sidewalks on the north side of Milburnie from Raleigh Boulevard West to existing sidewalk.

Section 2. Sidewalk improvements shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a sidewalk shall be constructed on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, July 16, 1985, in the Council Chamber, Municipal Building, Room 201, at 1 P.M., or as soon thereafter as the matter can be reached.

Adopted: June 4, 1985

***NORTH HILLS CAC - COMMENTS RECEIVED

Mr. Walters indicated last night the North Hills CAC had representatives of the State DOT to come and explain the transportation improvement program, etc., pointing out they emphasised the North Hills area. He indicated this is a very good program and they are putting it on for other areas of town and he encouraged Council Members to attend when possible.

***CITY COUNCIL - VACATION - AUGUST 20 MEETING CANCELLED

Mr. Keller indicated it was his understanding that the City Council wanted to bring up an item about City Council vacations. This was discussed briefly after which Mr. Walters moved that the August 20, 1985 City Council meeting be cancelled. His motion was seconded by Ms. Babb and after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***JUNE 20 WORK SESSION - MAYOR UPCHURCH EXCUSED

Mayor Upchurch indicated he will be out of the City on June 20 which is a scheduled work session. He indicated he would like to be excused from this work session as he plans to be travelling with the John White Exhibit to New York. Without objection, Mayor Upchurch was excused.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - MAY 21, 1985 - APPROVED AS PRESENTED

The Clerk indicated the minutes of the May 21, 1985, Council meeting would be

presented. Ms. Babb moved approval of the minutes as presented. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PRELIMINARY ASSESSMENT ROLL - 694, 695, 687 and 209 - ADOPTED

The following preliminary assessment rolls will be presented and are recommended for adoption which would set a public hearing for July 2, 1985, to consider confirmation.

Paving AR 694 - Marion Road
Paving AR 695 - Sheldon Drive
Paving AR 687 - Kings Court
Sidewalk AR 209 - Kings Court

Ms. Babb moved adoption of the preliminary assessment rolls and setting of the public hearing as recommended. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 824

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 209

WHEREAS, by Resolution No. 1982-908 adopted by the City Council on 5/4/82 the local improvements hereafter referred to 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessment therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Gorman Street - Construction of sidewalks on the west side beginning at the existing curb and gutter north of Kings Court in Kings Row Apartments and extending north to existing curb and gutter at Pine Village Apartments.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5, 830.78.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Dan C. Austin & Neal K. Hunt	1	0115616	33A	501 Brent Rd.	$366.00
Dan C. Austin & Neal K. Hunt	2	0115616	30B	500 Brent Rd.	$387.24
City of Raleigh (Greenway	3	-	-	Greenway Gorman Street	$369.46
Dickson-Floyd Development Corp.	4	0129699	-	Falcon Ridge Phase II	$1,958.42
Dan C. Austin & Neal K. Hunt	5	0115616	-	Gorman St.	$680.36
Dickson-Floyd Development Corp.	6	0136751	-	Falcon Ridge Phase I	$2,069.20

Cost per foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 209 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of July, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/4/85

RESOLUTION NO. (1985) 825

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 687
Powell Fund

WHEREAS, by Resolution No. 1982-908 adopted by the City Council on 5/4/82 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Gorman Street - Construction of a 41' street back-to-back of curb beginning at the existing curb and gutter north of Kings Court in Kings Row Apartments and extending north to existing curb and gutter at Pine Village Apartments.

Section 2. That that cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $16,659.40.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Dan C. Austin & Neal K. Hunt	1	0115616	104.60	1,046.00		1,046.00
Dan C. Austin & Neal K .Hunt	2	0115616	110.64	1,106.40		1,106.40
City of Raleigh (Greenway)	3		105.56	1,055.60		1,055.60
Dickson-Floyd Development Corp.	4	0129699	559.55	5,595.50		5,595.50
Dan C. Austin & Neal K. Hunt	5	0115616	194.39	1,943.90		1,943.90
Dickson-Floyd Development Corp.	6	0136751	591.20	5,912.00		5,912.00
			1,665.94	16,659.40		$16,659.40

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 687 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of July, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested person in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/4/85

RESOLUTION NO. (1985) 826

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 694
Powell Fund

WHEREAS, by Resolution No. 1982-941 adopted by the City Council on 6/15/82 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 31 feet back-to-back on Marion Road from Rush Street to Pineview Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $16,816.75.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Wendell Harlee & Rochelle	1	0053166	156.88	1,568.80		1,568.80
Enid Perry	2	0004695	120.00	1,277.00		1,277.00
Allister D. Horton & Annette	3	0002914	110.00	1,100.00		1,100.00
James H. Marshall Jr. & Jane	4	0027848	100.00	1,000.00	499.05	1,499.05
James H. Marshall Jr. & Jane	5	0027849	100.00	1,012.83		1,012.83
James H. Marshall Jr. & Jane	6	0074543	100.00	1,000.00		1,000.00
D. P. Watkins & Frances	7	0074542	110.00	1,100.00		1,100.00
Marion G. Batey & Mertie	8	0021093	94.92	949.20		949.20
Marion G. Batey & Daryle D. Batey	9	0081554	238.98	2,415.47		2,415.47
Joseph L. Bennett	10	0095275	140.32	1,403,20		1,403.20

Blonnie & Mary S. Fonville	11	0056200	170.00	1,700.00	391.20	2,091.20
Hugh A. Leach, Jr. & Dora	12	0064705	140.00	1,400.00		1,400.00
			1,581.10	15,926.50	890.25	$16,816.75

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follow: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 694 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on 2nd day of July, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/4/85

RESOLUTION NO. (1985) 827

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 695
Powell Fund

WHEREAS, by Resolution No. 1982-23 and 1982-974 adopted by the City Council on 9-7-82 and 7-20-82 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PW-1983-1 Installation of curbs, gutters, drains, and paving 31 feet back to back on Sheldon Drive from Marion Road to Rush Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $45,019.08.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Blonnie & Mary S. Fonville	1	0056200	95.0	950.00		950.00
Tommy Joe Carter & Dudley C. Coats	2	0133664	143.0	1,430.00		1,430.00
Tommy Joe Carter & Dudley C. Coats	3	0012039	120.0	1,200.00		1,200.00

Gerald R. Smith	4	0032164	120.0	1,200.00		1,200.00
Larry B. Bragg & Richard H. Stockett	5	0038831	120.0	1,200.00		1,200.00
Larry B. Bragg & Richard H. Stockett	6	0038830	120.0	1,200.00		1,200.00
Larry B. Bragg & Richard H. Stockett	7	0004177	120.0	1,200.00		1,200.00
Larry B. Bragg & Richard H. Stockett	8	0004178	120.0	1,200.00		1,200.00
Glenn & Joann B. Johnson	9	0035913	120.0	1,277.00		1,277.00
Barbara Tarlton Alley	10	0069333	110.0	1,177.00		1,177.00
Willie L. Boykin	11	0007446	110.0	1,112.83		1,112.83
Carol Lee Barefoot	12	0004179	115.0	1,150.00		1,150.00
Carol Lee Barefoot	13	0004180	130.0	1,300.00		1,300.00
Carol Lee Barefoot	14	0004181	120.0	1,200.00		1,200.00
Carol Lee Barefoot	15	0004182	130.0	1,300.00		1,300.00
Carol Lee Barefoot	16	0004183	120.0	1,200.00		1,200.00
Carol Lee Barefoot	17	0004184	120.0	1,200.00		1,200.00
Marjan Investments	18	0004624	83.13	1,622.60		1,662.60
Joseph Lee Bennett	19	0095275	182.0	1,820.00		1,820.00
Marion G. Batey	20	0067473	95.0	950.00		950.00
Marion G. Batey & Pamela B.	21	0038062	85.6	1,010.00		1,010.00
Marion G. Batey & Pamela B.	22	0038144	86.0	860.00		860.00
Marion G. Batey & Marion G. Batey, Jr.	23	0009774	151.5	1,669.00		1,669.00
Samuel O. Badgett & Teeny Mae	24	0034207	217.1	2,171.00		2,171.00
Bobby C. Raynor	25	0100024	151.5	1,515.00		1,515.00
Larry B. Bragg & Richard H. Stockett	26	0038832	150.0	1,500.00		1,500.00
Larry B. Bragg & Richard H. Stockett	27	0038833	230.0	2,300.00		2,300.00
Michael T. Nowell, Sr.	28	0038834	220.0	2,277.00		2,277.00
Michael T. Nowell, Sr.	29	0051669	180.0	1,877.00		1,877.00
Michael Taylor Nowell	30	0042193	206.47	4,360.40	550.25	4,910.65

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes

of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 695 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of July, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/4/85

***STREET IMPROVEMENTS - DREW STREET AND GREEN STREET - RESOLUTION OF INTENT ADOPTED

The following petitions for street improvements have been received. The next step, if the Council so desires, would be adoption of a resolution of intent to consider the petitions and set a public hearing for July 2, 1985.

(1) Installation of curbs, gutters, drains, and paving on Drew Street from Clifton Street to the dead end.

(2) Installation of curbs, gutters, drains, and paving Green Street from Prospect Street to dead end.

Ms. Babb moved adoption of the resolution of intent as recommended. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 828

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFORE, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council, requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

(a) Installation of curbs, gutters, drains and paving thirty-one feet back-to-back with one and one-half inch asphalt surface on a five-inch stone base on Drew Street from Clifton Street to dead end.

(b) Installation of curbs, gutters, drains and paving thirty-one feet back-to-back with one and one-half inch asphalt surface on a five-inch stone base on Green Street from Prospect Street to dead-end north.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follow: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving

street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be especially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessment shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 2nd day of July, 1985, at 7:00 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

Adopted: June 4, 1985

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 3 p.m. to be reconvened at 7 p.m.

Gail G. Smith
City Clerk

cmc/XX/1

The City Council of the City of Raleigh meet in regular reconvened meeting on Tuesday, June 4, 1985, at 7 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Ms. Babb - absent and excused.

Mayor Upchurch called the meeting to order indicating Ms. Babb had requested to be excused. Without objection, she was excused from the meeting. The following items were discussed with action taken as shown:

REQUEST AND PETITIONS OF CITIZENS

***SLEEPY HOLLOW DRIVE - REQUEST TO REMOVE FROM COLLECTOR STREET PLAN - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Betty DeBoskey, 5605 Calton Drive, was at the meeting representing the property owners of Brookhaven and the Brookhaven Citizens Association requesting that the City remove Sleepy Hollow Drive as a proposed collector street from the Northwest Comprehensive Plan. Ms. DeBoskey, in a prepared statement, gave a history of their efforts to have Sleepy Hollow Drive deleted from the Comprehensive Plan. She also explained development in the area including Sir Walter Hills and Turnberry, both of which will be single family homes. She stated as a part of the site plan approval of these two developments, both developers are being required to build a 41-foot, curbed and guttered street, extending Sleepy Hollow Drive as a through street to Creedmoor Road. She pointed out neither developer feels that the road is necessary to their developments and the neighborhood feels the development of the street is an intrusion into their established neighborhood. She indicated they are concerned about the safety issue at the intersection of Winthrop and Sleepy Hollow Drive explaining sight distance problems stopping times, etc. She stated there had been no major accidents but there have been too many near misses. An increased volume of traffic will only add to potential for serious accidents. She also spoke to the grade on a City collector street and the grade on Sleepy Hollow Drive. She pointed out Brookhaven Park has access from both Leesville and Creedmoor Roads through Turnberry and Berkley Drive and they feel that is sufficient. She stated they have been told that the street extension is for their benefit to give them convenient access to Creedmoor Crossing Shopping Center from the area they live but the residents do not want that. Ms. DeBoskey also spoke to studies that have been conducted relating to crime and its relationship to accessibility from major streets. She called on the Council not to open their neighborhood to the Creedmoor Crossing Shopping Center and Creedmoor Road and submitted a petition which she indicated contained 259 signatures representing 163 homes asking that the street not be extended. She indicated only four people of the persons asked to sign refused pointing out two of them were involved in development and felt that signing might not be in the best business interest, one was a judge who thought there might potentially be a conflict of interest and the last refused to sign because they were afraid that the City might want to take their home for another street location. Ms. DeBoskey spoke to the proposed collector street north of Leesville Road, Ponderosa Drive which is shown connecting with Battleford Drive through Brookhaven intersector with and crossing Lynn Road and continuing north to the North Valley Subdivision. She stated in addition the proposed collector plan would connect Canton Drive and this produces a straight shot thoroughfare from Sleepy Hollow Drive to the north of Lynn Road and this causes Sleepy Hollow, by default, to become not just a connector but a thoroughfare and they feel that the plan must be changed.

City Manager Benton indicated this is shown in the Comprehensive Plan and if the City Council wishes to pursue a change the matter should be referred to the Comprehensive Planning Committee and Administration would make a recommendation to the Comprehensive Planning Committee and at that time, that Committee could make a recommendation as to whether to proceed. Ms. Cates indicated she had been working with these people and she would like to put this in Public Works Committee as that Committee could deal with it a little more expeditiously; therefore, she would move that the request to remove Sleepy Hollow Drive from the thoroughfare plan be referred to Public Works Committee. Her motion was seconded by Ms. Block. Discussion took place with Mr. Walters pointing out he had no problem with this going to Public Works Committee, however, the Comprehensive Planning Committee was set up specifically to look at this type item and he would not like for it to be referred to another Committee when the chairman of that Committee is not at the meeting. Discussion took place as to when the Comprehensive Planning Committee would meet after which Ms. Cates and Ms. Block withdrew their motion and Ms. Cates moved that the request be referred to the Comprehensive Planning Committee. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Approximately ten persons stood in support of the request.

***TRAFFIC - SPEED LIMIT ON WOODLAND AVENUE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Christopher Busch, 2016 Woodland Avenue, was at the meeting explaining Woodland Avenue is a two block street between Fairview and Glenwood Avenue. He indicated it

is 24 feet wide and parking is allowed on both sides of the street and presently the speed limit is 35 mph. Mr. Busch talked about traffic conditions and stopping distances for various speeds pointing out if the speed were reduced to 25 mph it would only take eight seconds longer to drive the entire street. He indicated a number of the neighbors are in the audience asking that the speed limit be reduced to 25 mph. He pointed out there are 15 children under age 12 in the two block area. He indicated they had asked the police to observe this in the past and they stated 35 mph is clearly too fast for the condition. City Manager Benton indicated this is a two block street with stop signs at both ends. He indicated the police have provided some traffic monitoring in the area and at the time the speed observed was an average of 25 mph but speeders were not in the excessive category. He indicated if the Council wanted to proceed with this request, he would suggest that the matter be placed in Committee for a detailed study pointing out the decision to reduce a speed limit to 25 mph is usually only done after serious deliberation and study. Ms. Cates moved that the request be referred to Public Works. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - STATION SQUARE - REFERRED TO ADMINISTRATION; REPORT TO BE MADE AT JUNE 18 MEETING

Roland Gammon, representing White Oak Properties, was at the meeting to request an encroachment to allow erection of up right post and canopy in connection with Station Square at the corner of Dawson/Martin Street. He presented Council Members with information explaining the history of the building and their request. He explained the awnings they plan to use pointing out they would like to be able to put two posts in the sidewalk to support the awnings (canopies). He explained the request in detail.

City Manager Benton indicated this does have several unique features. First, this is a state system street and the State DOT would have to concur. He indicated it depends on whether the vertical post extends more than two-thirds the way to the street as to whether it could or could not be approved. Brief discussion took place relative to the various unique features of this request, after which by general consensus, the matter was referred to Administration for report back to the City Council at the next meeting.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE.

MATTERS SCHEDULED FOR PUBLIC HEARING

***BUDGET - PROPOSED FY 85-86 - HEARING - COMMENTS RECEIVED

This is a hearing to consider the proposed budget for the FY 85-86 including the use of general revenue sharing funds. Assistant City Manager Wray gave a brief presentation relative to the budget schedule, charts on projected income and expenditures including the use of general revenue sharing funds and their use. He went over the figures in the projected budget briefly. The Mayor opened the hearing to the public. The Mayor pointed out that many of the persons at the meeting he understood were representing various agencies. He indicated if a request has already been made, that the City Council would appreciate the various people not going into details about their request as the City Council does have total information on the requests. Appearing were as follows and their request briefly summarized:

Lillian Freeman represented the YWCA of Wake County Golden Oaks Program. She stated the Council has received her request and asked the Council to please reconsider funding the program from any available source of funds. Twelve persons stood in support.

Virginia Beaman, 2412 Lake Drive with Drug Action of Wake County. She asked the Council to reconsider funding their request pointing out two staff persons is funded by the City's contribution. She spoke in support of the other community services and asked that they be funded at the same level they have in the past.

Jane Teague and Craig Dalton representing ArtsPlosure indicated they are presently receiving $13,000 and are requesting $20,000.

Judy Theyer, 1031 Nichols Drive, was at the meeting representing Hopeline. She spoke to the work of the program and asked that the Council reconsider funding their increased request. She indicated they also support the other human service agencies and urged the Council to support them at the same level they were supported last year.

Joan Barron, chairperson of the Telecommunications Committee, went over their budget request speaking to the out-of-state travel, public awareness program, etc. She indicated Council Members had received a revised budget from the Telecommunications Commission and asked that the Council consider this information as submitted with the annual report on May 21 and to fund the Commission at the level requested.

Deloris Glenn, representing the Gethsemane Rainbow Partnership, indicated they had requested a total of $40,000, $25,000 which would come from Community Development funds. She asked the Council to reconsider their request and funded at the total

requested level. She explained they are opening a new upholstery shop and hopefully that will help them become a self-supporting program.

Beth McAllister, representing Hospice, requested the Council to consider their total request and also spoke in support of other human services agencies and asked that they all be funded at the requested level.

Bernadine Weddington, 4814 Brookhaven Drive, asked that two additional staff persons be provided to the Human Resources Department to help with the work of the CAC.

A representative of Loaves and Fishes, spoke to their request and asked the Council to reconsider their budget request.

Charles Ostendorf, representing Urban Ministries, requested that the Council consider their total request of $20,000 and supported the other social service agencies and hoped that the Council would fund their total requests.

Greg Malhoyt, East Central Community Legal Services, indicated they would request funding of $25,000 and expressed support to the Council funding the other social service agencies at the requested levels.

Sallie Cameron, 1600 Westhaven Road, was present representing Meals on Wheels. She requested the Council consider their total request noting they are requesting a $1,500 increase to help meet their needs. She further spoke in support of the other human service agencies and asked that they all be funded at the requested level.

A representative of Wake County Council on Aging requested that the Council fund $40,000 to this program and also indicated they would hope that the Council would be able to fund all of the other social service agencies at the requested levels.

Mary Banner, 4007 Yadkin Drive, representing the Cued Speech Center, requested that they be funded at $15,000. She introduced Dr. Allison Turner, 6800 Candlewood Drive, who explained the importance of this service. She expressed support to the other human service agencies and hoped that the Council could fund all at the requested levels.

Dave Malette, Chairman of the Garner Road YMCA, requested approval of the funds at the level requested.

Kevin Beasley, representing Interact, formerly Family Violence Prevention Center, requested that they be funded at the full requested level and supported the other human service agencies and urged that they be funded at the requested level.

Debbie Averette, representing Planned Parenthood, requested that this organization be funded at $7,500 in order to expand the program.

Jack Nichols, 2501 Kenmore Drive, was present representing the Women Center and urged funding of the full requested amount of $20,000. He also supported the other human service agencies and urged that they be funded at the requested level.

MAYOR UPCHURCH DECLARED THE HEARING CLOSED

Mayor Upchurch indicated he has been on the Council through six budgets and recognized the Council always faces this situation. He indicated he had heard tonight repeatedly that the various groups support the other groups and heard one person indicating their agency was being cut in the federal funding. He noted the City of Raleigh is also being cut in federal funding and felt the time has come that we are an urban county and we do not have the money for all these agencies. He indicated the City is enpowered to spend tax money for certain things. He noted the Council recognizes the need but it may be time that we all support one another and package the requests and go to Wake County and say we recognize these services are needed and we are also Wake County citizens. He indicated the City is facing the same dilemma of cutting funds and are limited in the way we can spend those funds and we do not have sufficient funding to fund everyone. He indicated we may be facing this in the coming year and felt this is the County's responsibility.

Mr. Walters indicated one of the requests is from an organization that in 1978 came before the Council requesting emergency funding and the Council voted to approve that and felt we did not have the capability of using tax funds for that purpose. He indicated they were funded at $10,000 as a one time offer and this is the seventh time they have come back asking for funds. He indicated the City Council is not designed and in fact by law should not support service agencies with ad valorem tax monies.

Mr. Congleton indicated there are specific things that are allowed to be funded by the City noting he is most familiar with the Division of Aging and in 1977 enabling legislation was adopted allowing municipalities to fund that program. He indicated he would tend to say also if there is a case that Wake County is not willing to bite the bullet and fund at a higher level, because of the urban nature of the City and our responsibility, the City will have to take on that responsibility.

Ms. Cates indicated she felt proud that these agencies are out there and doing things they are doing and hoped they are there for her when she needs their service. She

indicated she would like to support them in every way possible as an individual and as a Council Member.

Ms. Block indicated many referred to the City's ongoing responsibility as a City noting she heard that sixteen times. She noted every person in the City of Raleigh is a citizen of Wake County yet the Raleigh City Council is the one getting the requests for funds. She indicated only one agency had a reduction in their budget yet every day you read unemployment is down to 2.9% which is the lowest in the nation and that bothers her. She indicated there are obviously many serving real needs of the City more than others and there are some that serve multi County purposes and as our funds are limited, we need to take these factors into consideration.

***SEWER LINE INSTALLATION - BEN-BUR ROAD - APPROVED - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 700 feet of sewer main in Ben Bur Road with assessment on a per lot basis to apply. Utilities Director Simmons pointed out the location of the line installation on a map available at the meeting.

Mayor Upchurch declared the hearing open.

Tom Sanders, 1801 Lynn Road, indicated the lots in that area are mostly one acre lots with septic tanks and this proposal does not seem beneficial to them. He indicated the engineer has explained it would cost approximately $2,000 per person and re-iterated they already have working septic tanks and this does not seem reasonable. City Manager Benton indicated this is the request the City has received for sewer and the property requiring the sewer is inside the City Limits and the City must honor that request. He noted when the sewer is installed there is an assessment cost for the adjoining property noting hookups is not required and is done at the choice of the property owners. Mr. Upchurch indicated the property owners will be given ten years to pay with 6% interest and noted he has found that there are very few areas that in the near future do not need to have their septic tanks replaced.

Mayor Upchurch declared the hearing closed.

Ms. Block questioned if this is a fully developed subdivision and if these are empty lots. Mr. Simmons indicated there are empty lots but there are nine lots on Ben-Bur that would be served and this property is now inside the City. Ms. Block indicated she did not feel the Council has a choice. Mr. McCormick indicated the only question is whether to assess for the project or not as the service must be provided. Ms. Block indicated the Council must be fair as everyone else has had to pay for their sewer.

Following discussion, Mr. Keller moved adoption of a resolution directing the installation of the line with assessment on a per lot basis. His motion was seconded by Rev. Calloway and passed with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 829

A RESOLUTION TO DIRECT THAT THE SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985 - 12 - Installation of approximately 700 feet of 8-inch sewer main in Ben-Bur Road, located south of Lynn Road and north of Wynbrook Way, Fieldstream Farm Subdivision.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which

said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: June 4, 1985

***PAVING ASSESSMENT ROLL 691 - ARLINGTON STREET - HEARING - RESOLUTION CONFIRMATION CHARGES ADOPTED

This is a hearing to consider confirmation of charges for local improvements as outlined in Assessment Roll 691 calling for street improvements on Arlington Street according to charges outlined on Resolution 1985-774, adopted on May 7, 1985.

Mayor Upchurch declared the hearing open.

No one was present thus the hearing was closed. Mr. Walters moved adoption of a resolution confirming the charges as included in the assessment roll. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 830

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLLS 691, 692, 693 AND SEWER ASSESSMENT ROLL 1019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 4th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 774, 771, 773 and 772 adopted on the 7th day of May, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Rolls 691, 692, 693 and Special Sewer Assessment Rool 1019," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 4, 1985

***PAVING ASSESSMENT ROLL 692 - BOONE TRAIL - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This is a hearing to consider confirmation of charges as included in Assessment Roll 692 calling for street improvements on Boone Trail according to charges outlined on Resolution 1985-771, adopted on May 7, 1985. Mayor Upchurch declared the hearing open.

No one was present to speak thus the hearing was closed. Mr. Keller moved adopted of a resolution confirming charges as outlined in the assessment roll. His motion was seconded by Rev. Calloway with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 830

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLLS 691, 692, 693 AND SEWER ASSESSMENT ROLL 1019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 4th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 774, 771, 773 and 772 adopted on the 7th day of May, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Rolls 691, 692, 693 and Special Sewer Assessment Rool 1019," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 4, 1985

***PAVING ASSESSMENT ROLL 693 - SPRINGHILL AVENUE - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This is a hearing to consider confirmation of charges as included in Assessment Roll 693 calling for street improvements on Springhill Avenue according to charges outlined in Resolution 1985-773, adopted on May 7, 1985.

The resident at 2705 Springhill Avenue referred to the entrance from the street to their driveway noting it is hard to get in and out and asked that it be fixed. She indicated she had talked to an engineer today and he said he could not do anything unless the Council approves it. Mr. Thomas explained the normal practice for a driveway installation and when the assessment is done the entire cost of the driveway which is separate from the curbs and gutters is included. He indicated the driveway in this case probably goes right down the property line and at the curb is 3½ feet off set where the turn out is located. The lady indicated the angle makes it difficult to get in and out. Mr. Benton indicated Administration could go back and look at it again and could follow up on it which would not affect the assessment.

Mayor Upchurch declared the hearing closed.

Mr. Walters moved approval of the assessment roll subject to Administration working on the question relating to the entrance at 2705 Springhill. His motion was seconded by Rev. Calloway with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 830

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLLS 691, 692, 693 AND SEWER ASSESSMENT ROLL 1019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 4th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 774, 771, 773 and 772 adopted on the 7th day of May, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Rolls 691, 692, 693 and Special Sewer Assessment Rool 1019," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon,

all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 4, 1985

***SEWER ASSESSMENT ROLL 1019 - ST. ANDREWS PRESBYTERIAN CHURCH - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This is a hearing to consider confirmation of charges as included in Assessment Roll 1019 for installation of sewer main in the St. Andrews Presbyterian Church area according to charges outlined in Resolution 1985-772, adopted on May 7, 1985. Mayor Upchurch declared the hearing open.

No one was present thus the hearing was closed. Rev. Calloway moved adoption of the resolution confirming the charges as outlined. His motion was seconded by Mr. Walters with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 830

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLLS 691, 692, 693 AND SEWER ASSESSMENT ROLL 1019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 4th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 774, 771, 773 and 772 adopted on the 7th day of May, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Rolls 691, 692, 693 and Special Sewer Assessment Rool 1019," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 4, 1985

***ANNEXATION - WESTWOOD - HEARING - APPROVED EFFECTIVE JUNE 30, 1985

This is a hearing to consider the annexation by petition of property known as Westwood. The hearing is pursuant to petition, advertisement and notification as required by law.

Planning Director Chapman pointed out the location on a map available at the meeting. He indicated the property would have 144 townhomes and 280 residents.

Mayor Upchurch declared the hearing open.

No one was present thus the hearing was closed.

Ms. Cates moved that this area be annexed effective June 30, 1985. Her motion was seconded by Rev. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 580

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WESTWOOD SUBDIVISION

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on Jun 4, 1985 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985;

WESTWOOD

BEGINNING at a stake in the center line of Creedmoor road (N.C. Highway 50) at the southeastern corner of Village Grove Subdivision; and runs thence along the center line of Creedmoor Road South 7° West 184 feet, and South 08° 50' 45" West 378.19 feet to a stake, a corner with property now or formerly owned by R. L. Atkins; and runs thence along the northern line of the Atkins property north 89° 50' 10" West 1671 feet to a stake in the line of Hampton Oaks Subdivision, Section 5, North 01° 12' East 482.70 feet, and North 02° 32' 05" East 281.49 feet to an iron pipe, the southwestern corner of Village Grove Subdivision; runs thence along the southern line of Village Grove Subdivision South 83° East 1742 feet to the point of Beginning, and containing 25.951 acres according to a map entitled "Westwood" prepared by Evans Engineering, Inc. and dated March 30, 1984.

EXCEPTION: This annexation is not to include any of the 60 foot right of way of Creedmoor Road (N.C. Highway 50).

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 6/4/85

***ANNEXATION - BRIER CREEK - HEARING - DEFERRED TO JUNE 18 MEETING; - UMSTEAD PARK PROPERTY - CLERK DIRECTED TO CHECK SUFFICIENCY AND SET HEARING - SCHEDULE PRESENTED BY CITY MANAGER APPROVED

City Manager Benton presented a petition from the State requesting that Umstead Park be annexed and noted the Council needed to accept and ask the Clerk to check the sufficiency and set a public hearing for June 18, 1985. He indicated tonight we are to hear comments on Brier Creek annexation and suggested holding action until the next meeting.

Ms. Block moved that the Clerk be directed to check the sufficiency of the petition presented by the State and set a hearing for June 18. Her motion was seconded by Mr.

Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The next item discussed was the hearing to consider the annexation by petition of approximately 1,750 acres of land known as Brier Creek. The hearing was held pursuant to petition, notification and advertisement as required by law.

City Manager Benton pointed out the location on a map available at the meeting noting the area is immediately west of the Raleigh-Durham Airport and south of Highway 70 and has been petitioned for annexation by all property owners. He indicated the Council had received previously a report showing the plans for extension of utilities and the annual budget cost for delivery of services.

Mayor Upchurch declared the hearing open.

Bee Weddington, 4814 Brookhaven Drive, indicated the land is in the Northwest planning district and when the current Comprehensive Plan was adopted, one of the major concerns was managing expansion of urban areas through orderly extensions of the City Limits. She noted this pertained mainly to bringing Turkey Creek Basin into the ETJ. She noted there was a lot of thought that went into that plan, and now we are talking about 8,400 acres (only discussing Brier Creek this evening), but the entire area that has been under discussion is 8,400 acres. She noted just looking at the map shows it is hopscotching and this is not an orderly extension. She indicated there would be 6,700 acres with no visible tax return and questioned services to this area such as police, fire, etc. According to the brief plan she had received this afternoon, she felt that it would be amazing if the City feels it can take care of that land five miles outside the current City Limits with the present police force. She questioned fire protection and the fact the report mentioned using rural fire departments. She indicated she did not know what Harlon is going to do out there, the school situation, if there will be residential development, industrial or commercial development, etc. She referred to the road situation which is very bad in this area and questioned what are the plans for alleviation of these road problems. She stated water is one of the top priorities and referred to the fact that Harlon wants to use 9 million gallons per day. The cost to the taxpayers would be $7,000 for extension of the water lines. She indicated user fees are for using and not construction. She felt the greatest insult is the fact that none of the citizens of the northwest district were involved in any negotiations and no one came to the CAC to advise them of this proposal. She indicated when you talk about this much property, they should have been involved as they are all tax payers in this area. She indicated it is interesting that no one, but Ms. Block questioned this annexation and hoped that the City had not been beguiled by Harlon and did not feel they are putting in a $3 million pump station for the complete benefit of the citizens. She indicated she has been offended with the billboard located on Highway 70 which states "Raleigh is Harlon Country" and this has now been changed to "Harlon-Your Primary Land Source".

Ms. Cates indicated the Council did have lengthy discussions relating to water and sewer and many questions were asked about this project. She questioned Ms. Weddington as to whether she was speaking for the Raleigh CAC or the Northwest CAC. Ms. Weddington indicated she was not speaking for either group.

John Bowdish indicated he was speaking as an individual noting he is chairman of the North CAC. He indicated he had received 25 calls from citizens in the North CAC after they read newspaper report. There was no objection to the annexation of this type and the fact that annexation was for economic reasons. He indicated the Umstead Park annexation is fiscally unsound and no taxes would be collected on that property and there will be a loss of income for water by the annexation of this large area. The present citizens must pay expenses for this annexation since the tax base will not be increased until sometime in the future. He indicated City residents must provide utilities to this area. He felt the City residents would also have to pay for building a fire station for this area and would have to pay for garbage pickup and purchase additional equipment and hire additional people to service the area. He indicated bond money is being expended to provide for current citizens and the expenses paid by Harlon for the sewer system is no big deal and the sewer is assessed to the property owners. He questioned what is in this for Raleigh. He indicated assuming liability and expenses by annexing state park property does not seem to be a good idea and spending more to provide service Harlon that will not be returned in the near future is setting a precedent and will encourage other developers to pay cheap prices for land outside the City Limits and let Raleigh citizens foot the bill for providing service. He questioned the extreme measures to accommodate Harlon. He questioned why not have a written commitment to annex pending a contract between Harlon and Raleigh for three years and in the meantime orderly annexation of some developed and undeveloped property excluding Umstead Park can occur.

Alan Eakes, 4008 Avent Ferry Road, was present representing the Department of Natural Resources and Community Development. He read a letter from Ernest A. Carl, Deputy Secretary of the department, as follows:

> "City of Raleigh is at a threshold of new expansion and growth with the subject annexation of some 1,700 acres west of William B. Umstead State Park and the approximate 5,200 acres of the Park itself.
>
> I wish to reiterate our position previously shared with the Council and with the City Manager and his staff. We wish to proceed with securing a memorandum of agreement between the City and the State concerning land use planning and park

protection applications around the park. The minutes from May 21, 1985, recommended that the staff..."move ahead and work with the State and interested third parties to develop plans for a memorandum of agreement to adequately protect and give buffering around Umstead Park."

Staff from the division of Parks and Recreation and the City of Raleigh Planning Department has met several times, and a memorandum is evolving which is compatible with both governments' interests. This agreement should be completed and signed within the next week to ten days.

We feel that both the growth of the City of Raleigh and the conservation of one of the regions most important natural resources are vital to our citizens and can be compatible and complimentary to each other. Our hope is that this Council will study the pending memorandum of agreement while carrying out its mission of deciding Raleigh's future.

Following is an outline of the agreement's major component:

1. The Department of Natural Resources and Community Development encourages the City of Raleigh to adopt the 1974 Master Plan for William B. Umstead Park and declare all present and proposed park uses and facilities as accessory uses to this park.

2. Upon annexation of the park, it is requested that the City extend the extraterritorial limits one mile from the park's boundary.

3. Comprehensive Land Use Planning and all activities associated with zoning should show Raleigh's commitment to protect and buffer the park. The practice should include provisions for establishing a conservation/buffer district around the park, define desirable and undesirable land uses adjacent to the park and implement watershed protection for the park.

Your charge is certainly a heavy and challenging one and we openly offer our assistance to you. We certainly look forward to completing this memorandum of agreement, and we commend you for your continued attention to this important matter."

John Norkus, indicated he has been a citizen of Raleigh since 1948 and indicated they do not own land in the northwest portion of Wake County. He felt this is a leap frogging approach and all the rest of the land in that area should be taken into the City Limits if anything is done. He indicated there is no need to pick out certain areas for a special reason. He referred to the fact this property is within critical watersheds and felt the environment will be harmed as a result of septic tanks in this area. He felt if the City is going to do this it should be done correctly starting from the current City Limits and going from Highway 70 to the Durham County line. He questioned why not follow a plan and questioned if we do have plans for Northwest Raleigh.

Mr. Walters indicated the City cannot go out and force annex an area without two years notice and without certain criteria being met and this can only be done by request. He noted the City is planning to take in the areas Mr. Norkus referred to.

Mayor Upchurch declared the hearing closed.

It is was agreed that this item would be deferred and action taken on June 18, 1985.

Ms. Block indicated several questions had been raised by residents this evening and many are very legitimate. She indicated she would like for Administration to have answers to these questions in writing before the next meeting. She indicated those who have expressed them should get copies of the answers and this would be considered at the next meeting.

Mr. Walters indicated he was offended at the attitude a lot of the public had on this item noting Ms. Weddington and the other gentlemen had an opportunity to know what has been going on all along. He indicated the Council has been fully briefed on this matter and the Council feels good about this possible annexation. He indicated all the questions that had been presented this evening had been answered to the Council's satisfaction. He indicated he has heard from a number of people about this including many people in the northwest area and tonight is the first objection he has heard to the annexation.

Ms. Block indicated this was a hearing to hear public comments on this item and did not see how any of the Council Members could be offended by the fact that questions were brought up and concerns expressed. She reiterated their concerns should be answered.

Mr. Keller indicated he was surprised there would be any objections to taking in Umstead Park and couldn't imagine any city in American that would not jump with joy to have such a facility in their City Limits. He indicated this is a tract of land that is partially developed as a park that the City could never acquire and there is no way we could have put together such a package. He felt this is an opportunity that no other city in America has had and the City should jump with joy at this opportunity.

Mr. Benton then submitted a schedule for consideration of the annexation of the State of North Carolina property. The first item included in this schedule would involve authorizing a text change in the zoning code to provide for an airport overlay district similar to the present county regulations. This proposed airport district overlay zoning would impose restrictions now contained in the Airport I and Airport II zoning districts established by Wake County. The overall purpose would be to restrict certain uses around the airport to those which are compatible with that facility. The overlay district would prohibit all residential uses, including hospitals, correctional institutions, nursing homes, etc. Other uses, such as petroleum related industries and certain places of public assembly would also be excluded for public safety reasons. He indicated it would be necessary for the Council to authorize the filing of a zoning text change to establish an airport district overlay zone and its application to replace existing Wake County Airport I and Airport II districts and that a public hearing on these matters be held at the regularly schedule July 18 1985 Council joint hearing. Ms. Cates moved approval of the Manager's recommendation to develop a proposed text change for hearing on July 18, 1985. Her motion was seconded by Rev. Calloway and unanimously passed. The Mayor ruled the motion adopted.

Mr. Benton then reviewed the remainder of the schedule as follows:

June 18

-Public hearing on State property annexation
-Consideration of adoption of annexation action on Brier Creek property and State property to be effective on July 31, 1985.

July 2

-It is anticipated that the conditional use zoning revisions would be considered for adoption at this meeting.

On this date, the proposal to establish zoning uses on the areas that are annexed would be submitted. These would consider the proposed airport district zoning and the conditional use zoning.

In addition to the land uses on private properties, Council will need to authorize the filing of a zoning case on behalf of the City to apply City of Raleigh's zoning to the various State owned properties not currently within the City's extraterritorial jurisdiction. This basically concerns Umstead State Park which is now zoned R-30 by Wake County. It is proposed that this area be zoned R-4 which closely approximates the existing County zoning.

-Such zoning changes would need to be considered at the Council meeting on August 6 as a special item.

July 18

-Public hearing on the airport zoning district text changes

August 6

-Council meeting in which Council would consider adopting airport district zoning provisions.

-Public hearing on zoning of annexed areas.

September 3

-Council adopts ordinance on zoning of public and private land.

Under State Law, the transition of zoning from the County to City must take place within sixty (60) days after the effective date of change in jurisdiction.

Ms. Cates moved approval of the remainder of this schedule as outlined. Her motion was seconded by Mr. Keller and unanimously passed. The Mayor ruled the motion adopted.

***SPECIAL USE PERMIT HEARING - 602 DEVEREUX STREET - REFERRED TO ADMINISTRATION - TO BE PLACED ON JUNE 18 AGENDA

This was a hearing to consider an application for a special use permit in the Conditional Residential-30 zoning district to construct five apartments to the rear and attached to the existing dwelling at 602 Devereux Street.

It was reported this is an evidentiary hearing. Planning Director Chapman explained the request and indicated this would be followed by a presentation by the applicant and anyone wishing to make comments. Mr. Chapman explained this is an evidentiary hearing to consider evidence submitted on behalf of the applicant. He noted the addition would be to the rear of that property along a public area way on that side of the property. He indicated it would meet the criteria established in the conditional Residential-30 with regard to use and density. He noted the existing structure on the property is currently non-conforming and this would expand this non-conforming use and this may be considered further by the Board of Adjustment,

however, this proposal also proposes building orientation along the lot which provides 7 foot rear yard along most of this property. He indicated that 7 foot rear yard is not sufficient to meet the multiple dwelling standards in the City Code. He indicated there are nine sets of criteria that must be considered. He indicated the first criteria involves material proposed noting exterior siding is indicated to be aluminum. The restriction in the Residential-30 district restricts the exterior to that which is found in two or more structures on the block and that appears to be a problem with this particular case. The second criteria related to roof pitch and indicated this request does meet the standard. The third item related to ratio of height to width of window placement and this does appear to meet the standards but he did have questions about disability. He indicated the fourth criteria relates to location of entrances and this meets the standard. The fifth item regards length of the longest or largest side of the building regarding height and the code speaks to the relationship of the visibility from the public right of way. He indicated the alley is considered right of way and that may be in conflict but needs to be studied further. Item six relates to a lot coverage which is met in this case. Item seven relates to screening which is met in this case. Item eight relates to impact on the neighborhood property value and Item nine relates to compliance with other codes and noted the existence of the non-conforming structure and its expansion may cause problems in this case.

Mr. Chapman indicated the Council would want to hear from the applicant and others wanting to speak to these standards and after that recommended that due to the presence of unanswered questions that the item be referred back to Administration to work with the applicant.

The Mayor declared the hearing open.

Seth Gaskill, 1021 Harvey Street, indicated he is the applicant and expressed concerns that there were any objections to this plan. He indicated this is a house that is non-conforming and indicated he would be happy to tear it down and put a new one there. He felt the only non-conformity might be the side yard requirements indicating he is trying to protect this house and went to a great extent to have the architect design this and help him with it. In regard to setback requirements he indicated the lot is 50 feet wide and the rear is at the end and the apartment is facing the front noting the end is 20 feet from the rear. In regard to the side line he indicated the building is 7 feet from the side and the side line requirement in Residential-30 is 5 feet. In regard to the aluminum siding, he indicated the main building is aluminum siding and felt it had to conform to two or more buildings on the block face and felt this would be in conformance. Regarding to the length of the building, he indicated this is the only way to get the building to conform to the 50% lot coverage and the length of the building is only on the front street noting the alley is not a City street. He indicated according to the ordinance length of the building is only considered according to the front, not the depth of the building. He felt it would a beautiful addition to the area and the church adjoining him on Glenwood Avenue called and wanted to buy the property for a church parking lot. He indicated he could not see the first thing violating any code and felt the City is nit-picking. He indicated he would appreciate speedy consideration and felt this would be accredited to the neighborhood.

Mike Stegall, 715 Gaston Street, indicated he was representing the Old Glenwood Residents Association and was representing himself as well. He indicated there are bylaws set up so he could speak for the Association. He indicated they had a couple of problems with this noting the ordinance itself is very specific as adopted and urged the Council to adhere to the adopted ordinance. He indicated Devereux Street is congested with School Board meetings occurring in a building on this street and they have difficulties with cars parking on both sides of the street and it is hard to get through the area day and night. He indicated they, as the executive board, are very concerned about this congestion and realize that is not addressed in the code but felt it is Council's responsibility to address that concern. He indicated outside of that there is not much to address in addition to what Mr. Chapman has stated. He indicated he would personally be opposed to this construction.

Ken Bostick, 803 Glenwood Avenue, indicated his property borders the side of the property in question. He indicated he had always hoped since he changed his house from apartments to a single dwelling that the other properties would do the same thing. He requested that the Council limit this case to three apartments and refer to the crowded conditions in the area and the fact that this would cause increased traffic and parking problems and felt the Council should consider the affect this would have on quality of life in the neighborhood. He indicated this would leave him boxed in a corner among apartments.

Mayor Upchurch declared the hearing closed.

Ms. Cates indicated she felt she would need extra time before she could vote on this and understands that staff is interested in getting this back as quickly as possible and felt referring this to Administration that would be the best thing to do.

Ms. Block indicated this is the first application we have under this new regulation and there are some objections from Administration and the residents. She did not feel any of the Councilors were familiar enough with the regulation to know without looking whether we think this is legitimate uses. She indicated Mr. Chapman had stated this is currently non-conforming and this is an expansion of the non-conforming building and this does give her concerns.

Mr. Congleton questioned the issue of the rear yard noting it seems to be the same situation as a previous case on Sandy Forks property and it was determined that the frontage was different and would apply similarly to this particular case. Mr Chapman indicated the rear yard is defined by the presence of the front entrance. He indicated this case particular item meets seven of the nine criteria. He felt the items remaining could be worked out if Administration had an opportunity to discuss this with the applicant. He indicated another consideration is with the other regulations of the City such as the design of the multiple dwelling units etc., and Administration has not had an opportunity to review that at this point.

Following discussion, Mr Congleton moved that this be referred back to Administration to work out relating to the code requirements and that this be placed as a special item on the next agenda if possible. His motion was seconded by Ms. Cates.

Ms. Block indicated it was stated that this is a non-conforming building and this would be expanding that non-conformity and the next door resident indicated he had eliminated the apartments in his building to make it single family. She noted this is an application for a special use and wondered if the Council is sitting as a Board of Adjustment as this non-conforming building is being expanded. She indicated the Council needs an interpretation from the City Attorney on many of these things before a decision is made.

Mr. McCormick indicated the question regarding the expansion of the non-conforming use may have to be dealt with through the Board of Adjustment as well as yard space but he would need time to look at it. Ms. Block indicated she would like to have a report before it comes back to the Council so she could study it further.

Following discussion, a vote on the motion was taken and unanimously passed. Mayor Upchurch ruled the motion adopted.

***ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Brenda Anderson
Deputy City Clerk

cmc/XX/2